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High Biotech Council - Defining Biotech-Free Production

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Biotechnology

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Report Highlights:

The French High Biotech Council, in charge of advising the French Government on a wide range of biotech issues and composed of a scientific committee and a socio-economic committee, released its first report defining biotech-free production. The report includes recommendations to label products with "GMO-free" when containing less than 0.1 percent transgenic DNA for plant products, and for animal products derived from animals fed on less than 0.1 percent biotech feed. Based on this recommendation, the French government will prepare a decree to regulate "GMO-free" labeling in 2010, subject to public comment. The substance of this regulation will depend on the biotech and non-biotech coexistence framework the French government aims to set in 2010.

General Information:

On October 26, the French High Biotech Council (HBC) released its first report defining biotech-free production, per the request of the French Ministries of Environment, Agriculture, and Consumer Affairs. The HBC, in charge of advising the French Government on a wide range of biotech issues, was formed last April, in accordance with the French Biotech law of June 2008. It has a dual assessment component composed of two committees, one focusing on scientific elements and the other on economic, ethical, and social issues. The previous authorities, the Genetic Engineering Committee, the Biomolecular Engineering Committee, and the Biotech Monitoring Committee, composed solely of scientists, were disbanded by the GOF in 2007 in lieu of a process that gives social stakeholders a voice and address societal concerns.

In its October 26 report, available on the inter-ministerial website on biotechnology at <http://www.ogm.gouv.fr>, the HBC details biotech-free conditions for three categories of products:

- For plant products, the HBC recommended that a “GMO-free” label be attributed to products containing less than 0.1 percent transgenic DNA.
- For animal products, the HBC recommended that the label “fed on GMO-free feed” or “derived from animals fed without GM feed” be reserved to products derived from animals fed on feed containing less than 0.1 percent transgenic DNA.
- For apiculture products, the HCB recommended that “biotech-free” label be based on a minimum distance between the apiary and fields of biotech crops, to be set by public authorities.

Currently, some inter-ministerial work is being conducted within the French Government to prepare a decree to be published in the French Official Journal in the next weeks, fully or partially based on the HBC’s recommendations. Under current French regulation, biotech-free labeling was almost technically infeasible, because the French authorities required a threshold as low as 0.01 percent. There is no European regulation on biotech-free labeling. A number of French food companies (for example, companies producing high-quality free-range chickens) are likely to welcome such a regulation with a 0.1 percent threshold, which would allow them to publicize their efforts towards biotech-free products, make it a marketing tool, and thus justifying the higher than average prices of their products.

Comment: Interestingly, the HBC’s report appears inconsistent considering that food and feed products containing processing aids, additives and flavors prepared from biotech products, could benefit from a “GMO-free” labeling, which one may consider misleading.

Next steps: With the HBC’s report in hand, the French Ministries of Ecology, Agriculture, and Economy are preparing a decree to be published in the Official Journal regulating “biotech-free” labeling. This decree is expected to be finalized in the second half of 2010, upon the HBC review, it is validated by the high administrative committee “Conseil d’Etat”, public consultation is conducted, and then the GOF notifies the European Commission of the new regulation.

The substance of the “biotech-free” labeling regulation will depend on the biotech and non biotech coexistence framework the French government aims to set in 2010, including isolation distances by

specie: The lower the threshold for biotech-free labeling, the stricter the coexistence rules.