EUROPEAN COMMISSION
Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs
Single Market Enforcement
Notification of Regulatory Barriers

Notification Number : 2023/0116/F (France)

Order specifying the details relating to the content and the conditions for presenting the information provided for in I and II of Article L. 5232-5 of the Public Health Code

Date received : 17/03/2023
End of Standstill : 19/06/2023

Message

Message 002

Communication from the Commission - TRIS/(2023) 00654
Directive (EU) 2015/1535
Translation of the message 001
Notification: 2023/0116/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 késéseket - Ma' jiftaħx il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist - Не се предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 202300654.EN)
1. MSG 002 IND 2023 0116 F EN 17-03-2023 F NOTIF

2. F

3A. Ministères économiques et financiers
Direction générale des entreprises
SCIDE/SQUALPI - Pôle Normalisation et réglementation des produits
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75703 PARIS Cedex 13

3B. Bureau des produits chimiques à la Direction générale de la prévention des risques (Ministère de la transition écologique et de la cohésion des territoires) :
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92055 La Défense Cedex

4. 2023/0116/F - C00C

5. Order specifying the details relating to the content and the conditions for presenting the information provided for in I and II of Article L. 5232-5 of the Public Health Code

6. Foodstuffs, substances, mixtures

7. -

8. Article 13-II of Law No 2020-105 of 10 February 2020 on combating waste and on the circular economy, known as "AGEC", provides that any person placing products on the market for consumers containing substances for which the French Agency for Food, Environmental and Occupational Health & Safety (ANSES) classifies the endocrine disrupting properties as verified or suspected must "provide information to the public by electronic means, in an open, easily reusable and exploitable format by an automated processing system, for each of the products concerned, to identify the presence of such substances in those products". This obligation also applies to certain categories of products with a particular risk of exposure, for substances which endocrine disrupting properties are suspected by ANSES.

The detailed rules for implementing that legislative provision were laid down in Articles R. 5232-19 to R. 5232-22 of the Public Health Code by Decree No 2021-1110 of 23 August 2021 on the provision of information identifying endocrine disruptors in a product (Decree No 2021-1110 of 23 August 2021 on the provision of information identifying endocrine disruptors in a product was the subject of a previous notification 2020/832/F). The draft Decree which is the subject of this notification shall be made pursuant to that decree.

Article R. 5232-20 of the Public Health Code provides for the publication of three orders, which the French authorities wish to publish simultaneously:

• An order laying down the list of substances with endocrine disrupting properties referred to in I and II of Article L. 5232-5 of the Public Health Code and the categories of products presenting a particular risk of exposure referred to in Article L. 5232-5 of the Public Health Code: an order which was the subject of a previous notification (reference 2021/0680);
• A joint order of the ministers responsible for health and for the environment specifying the details relating to the content and the conditions for presenting the information provided for in I and II of Article L. 5232-5 of the Public Health Code: the subject of this notification
• A joint order of the ministers responsible for health and for the environment to designate the application which can be used as an alternative to the provision of information on the presence of substances of endocrine disrupting properties in a product on a dedicated web page: an order subject to notification at the same time as this notification

This notification concerns the joint order of the ministers responsible for health and for the environment specifying the details concerning the content and the conditions for presenting the information provided for in I and II of Article L. 5232-5 of the Public Health Code.
For certain substances, due to their nutrient character (vitamins, minerals) and their health benefits up to a certain dose (higher safety limits), such as cholecalciferol (vitamin D3), the information on the presence of substances with endocrine disrupting properties will be adapted to indicate that these substances present health benefits according to the precautions for use and dosage specified on the package leaflet or labelling of the product and that in case of doubt the advice of a health professional should be sought. This specific information statement is based in particular on the scientific and technical support note from the French Agency for Food, Environmental and Occupational Health & Safety of 29 September 2022 on the application to cholecalciferol (vitamin D3) of the provisions relating to substances with endocrine disrupting properties under Law No 2020-105 of 10 February 2020, known as the "AGEC Law".
The substances concerned by this specific information are mentioned in the tables Aa and Ba annexed to the Order laying down the list of substances with endocrine disrupting properties referred to in I and II of Article L. 5232-5 of the Public Health Code, mentioned in Article R. 5232-19 of the same Code: this Order was the subject of a previous notification (reference 2021/0680). The drafting of this Order, which has not yet been published to date, has been revised following comments from the Commission and the Member States and Hungary's detailed opinion. It is attached for information purposes to this notification.

9. In order to enable citizens to make informed consumption choices, the legislator wanted to improve information on the presence of substances with endocrine disrupting properties in products. To do so, the information must be made available to the public in a dematerialised format according to the conditions of presentation specified by Order.

10. References to basic texts: Article 13-II of Law No 2020-105 of 10 February 2020 on combating waste and on the circular economy which amended Article L. 5232-5 of the Environmental Code.

Decree No 2021-1110 of 23 August 2021 on the provision of information identifying endocrine disruptors in a product: https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000043964950
The reference texts should be sent as part of the previous notification: 2020/832/F

11. No

12. -

13. No

14. No

15. -

16. TBT aspect

NO - The draft does not have a significant impact on international trade.

SPS aspect

No - The draft is not a sanitary or phytosanitary measure.

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European Commission

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