

Press Release

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France says 'no' to food-chauvinism: French mandatory origin labelling decree annulled by French Conseil d'État

On 10 March 2021, the French Conseil d'État annulled for excess of power the French decree on mandatory origin labelling for milk.

This finally brings a long anti-EU issue to a late, but good end. It all started with a decree of 19th August 2016 that was set up for a two years' 'testing period' with the blessing of the European Commission.

However, the EU Commission also allowed the respective extensions of this testing phase by decrees of 24th December 2018 and 27th March 2020, despite the clear statement of the legal service of the European Commission.

Yesterday's 'Décision n°404651' is fully in line with the recent ECJ C-485/18 ruling on the French mandatory origin labelling for milk and dairy, where the European Court of Justice (ECJ) confirmed the mandatory national origin labelling schemes contradict the essence of the European project. The advocate general at the ECJ made it very clear in his opinion: this kind of labelling initiatives gives way 'to nationalistic – even chauvinistic – instincts'.

The decision by the French Conseil d'Etat represents a solid support of the Single Market principle and gives a clear sign to both, the European Commission and the national legislators.

The European dairy industry is confident that the EU Commission, as guardian of the treaty, will now take up the fight for the single market principle and stop all national(istic) initiatives for mandatory origin labelling of milk and dairy.



The success of the European dairy sector is based on the European project and on its principles, especially the Single Market. France, for instance, is exporting 40% of its milk – and more than 65% of the exported French dairy excellence are enjoyed within our Union's Single Market.

The decision of the French Conseil d'État (ECJ Court case C-485/18) overturns the French national mandatory labelling decree that was approved – against the opinion of the legal services of the EU Commission, DG GROW and DG COMP – by the EU Commission back in 2016 for a test period of two years and was still in place until today.

The French government claimed that the consumer perception of quality is part of the product quality, and exclusively justified the contested provisions of the decrees by the importance that most consumers seemingly attach to the information on the origin or provenance of milk, assuming that there is a link between origin and product quality. However, it was later recognized that apart from this subjective approach, there is, objectively, no property of the milk which could be linked to its national origin.

The French Conseil d'État is basing its decision on the same argument made by **Avocat General Gerard Hogan** in his opinion of 16th July 2020: only if the origin of a foodstuff has a tangible impact on the product itself, national origin labelling can be considered. *"Any other conclusion would pave the way...to purely nationalistic – even chauvinistic – instincts"*, he stated ► [see our last Press Release on the topic](#).

During the court procedure, the EU Commission also recognized that it was an error to allow national origin labelling schemes. The representative of the EU Commission claimed during the court hearings: *"There is no difference between German and French milk; any difference of milk is only linked to the farming systems and conditions"*.

"We did not expect any other outcome for this ruling. We do hope this ruling marks the definitive end of a political 'laissez-faire' attitude of the European Commission, the 'guardian of the treaties, vis-à-vis nationalistic measures taken by Member States. This is a very direct call for immediate action upon the concerned Member States and to the EU Commission that - in the past - missed many opportunities to take seriously its role as guardian of the treaty. We urge the EU Commission services to take immediately all necessary steps to end these violations of the basic principles of our Single Market, at all levels", commented **EDA secretary general Alexander Anton**.





Tweet: Stéphane Le Foll, 14 March 2016

Honi soit qui mal y pense: Then French Agriculture Minister Stéphane Le Foll tweeted the EU Commission's OK to his national origin labelling decree on 14 March 2016 – at a moment where this decree was not even notified to the EU Commission and the other EU Member States. The European Commission ceded to the French pressure and greenlighted the 'experiment' despite the outspoken negative opinion of its own legal service.

ABOUT THE EUROPEAN DAIRY ASSOCIATION

The European Dairy Association is the voice of dairy processors in the European Union. The membership of EDA consists of the associations of dairy processors in EU Member States.

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