

## Expectations towards suppliers as defined in the Guiding Principles and local legislation

NB: It should be noted that most regulations (except for health at the workplace and industrial safety) apply directly only to large companies. In most cases, regulations will therefore be deemed stricter in France for those companies that are directly encompassed in their scope, and less strict for other companies (SMEs notably). For the latter, effects will generally be indirect, through pressure felt from their bigger customers. Guiding principles are thus complementary to actual regulations and are of particular relevance for SMEs.

Moreover, it should be stressed that most of environmental and health regulations (less so for social or economic matters) derive from EU Law and therefore consists into implementation of common EU provisions.

### 1. Business Ethics

**Guiding Principles:** Companies are expected to uphold the highest standards of integrity and to operate honestly and equitably throughout the supply chain in accordance with local laws.

Topic	Relevant local legislation	Benchmark against Guiding Principles / Practical Guidance
<p>1. Responsible Sourcing of Materials</p>	<p><b>The “duty of care” law (2017), 27 March 2017</b></p> <ul style="list-style-type: none"> <li>• <i>Scope of the legislation:</i> <ul style="list-style-type: none"> <li>- The act no. 2017-399 on the duty of vigilance of parent companies and instructing undertakings completes the regulatory framework for corporate social responsibility in France.</li> <li>- In this regard, companies will have to better control risks of all kinds associated with their subcontracted supply chain. Pressure on OEMs will therefore trickle down to suppliers that may have to reinforce their policies in that matter.</li> </ul> </li> <li>• <i>Key points for suppliers:</i> <ul style="list-style-type: none"> <li>- The Act creates a requirement for joint-stock companies that have at least 5,000 employees in France or 10,000 worldwide, either directly or in their subsidiaries, to draw up, implement and publish a due vigilance plan.                             <ul style="list-style-type: none"> <li>○ “due diligence measures such as to identify risks and forestall serious infringements of or harm to human rights and fundamental freedoms, personal health and safety and the environment”</li> </ul> </li> <li>- The law lists five of these measures: a mapping that identifies, analyses and ranks risks; procedures assessing the situation of certain subsidiaries, subcontractors or suppliers; actions to prevent and mitigate risks and serious harms; an alert mechanism; and a monitoring scheme to follow-up on the plan’s implementation and efficiency of measures.</li> <li>- If they do not meet the law, companies are exposed to legal proceedings.</li> </ul> </li> </ul> <p><i>While this law is likely not to apply to most equipment manufacturers due to their size, it shows guiding principles for the adoption of responsible supply chain management. The ripple-through effect is likely to expand to the</i></p>	<p>The French legislation on sourcing of material provides a guideline on responsible and sustainable supply chain management. Even though the duty of care law is more comprehensive than the Practical Guidance expectations, its direct scope is narrower (only large companies bare the weight of this obligation). Therefore, it could be considered that the French legislation is overall <u>less strict</u> than the Practical Guidance – especially its criteria “<i>Companies are expected to conduct due diligence to understand the source of the raw materials used in their products</i>”.</p>

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	<p>whole supply chain. For instance, all OEMs potentially affected by the law will require their suppliers to increase traceability on their material and equipment and to comply with legislation requirements.</p> <p>Source: <a href="https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000034290626&amp;categorieLien=id">https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000034290626&amp;categorieLien=id</a></p>	
<p>2. Anti-Corruption</p>	<p><b>Loi Sapin II, 8 November 2016</b></p> <ul style="list-style-type: none"> <li>• <i>Scope of the legislation:</i> <ul style="list-style-type: none"> <li>- The "Sapin II" law is a continuation of the reform movement in favour of transparency and ethical requirements initiated by the law of 29 January 1993 (on the prevention of corruption and the transparency of economic life and public procedures), called "Sapin I".</li> <li>- The Sapin II Law aims, on the one hand, to increase the transparency of public decision-making procedures and, on the other hand, to better prevent and punish corruption more quickly and severely.</li> <li>- Companies with more than 500 employees and a turnover of more than EUR 100 million are required to put in place measures for the prevention and detection of corruption, in accordance with article 17 of the law. This obligation extends to groups of companies whose registered office is located in France (whether the subsidiaries are French or foreign), in order to detect corruption committed abroad.</li> <li>- VSEs and SMEs affected by the mandatory measures of large companies with which they have links are advised to submit to the same transparency requirements.</li> <li>- OEMs are affected by this law as they will need to guarantee transparency within their governance and production agreements.</li> </ul> </li> <li>• <i>Key points for suppliers:</i> <ul style="list-style-type: none"> <li>- Fight against corruption                             <ul style="list-style-type: none"> <li>o In its application, companies will be able to rely on the advice of the AFA (French Anti-Corruption Agency) regarding the implementation of the new regulatory obligations.</li> </ul> </li> <li>- A change in the relation between businesses and suppliers                             <ul style="list-style-type: none"> <li>o With this law, companies can choose or retain a supplier or subcontractor that meets the criteria set by the company, map them and carry out supplier tracking. With this monitoring, the purchasing departments produce regular and updated documentation prioritizing the risks of corruption.</li> <li>o Companies are also put in the position to make assessments of the financial position of external entities and map potential risks</li> </ul> </li> <li>- Know Your Customer (KYC) principle                             <ul style="list-style-type: none"> <li>o The obligation for the company to collect information both on the principal and now on the beneficial owner.</li> <li>o The establishment of procedures to detect possible missing information and to determine whether it is necessary to carry out, reject or suspend a transfer of funds that is not accompanied by complete information.</li> </ul> </li> </ul> </li> </ul> <p>Source: <a href="https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000033558528&amp;categorieLien=id">https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000033558528&amp;categorieLien=id</a>  <a href="https://www.franceinvest.eu/wp-content/uploads/France-Invest-Hebdo/066/2019-06-Article-AFA-PME-DEF.pdf">https://www.franceinvest.eu/wp-content/uploads/France-Invest-Hebdo/066/2019-06-Article-AFA-PME-DEF.pdf</a></p>	<p>This legislation on the fight against corruption provides an important framework for transparency and authenticity amongst suppliers and businesses. It is <u>equally strict</u> as the Guiding Principles.</p>
<p>3. Privacy</p>	<p><b>Règlement Général sur la Protection des Données (RGPD or General Data Protection Regulation), 27 April 2016</b></p> <ul style="list-style-type: none"> <li>• <i>Scope of the legislation:</i> <ul style="list-style-type: none"> <li>- This regulation lays down rules on the protection of individuals regarding the processing of personal data and rules on the free movement of such data.</li> </ul> </li> </ul>	<p>The French legislation for data privacy is a very important regulation in France, mainly covered by the CNIL.</p>

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	<ul style="list-style-type: none"> <li>- This regulation protects the fundamental rights and freedoms of natural persons, and in particular their right to the protection of personal data.</li> <li>- The free movement of personal data within the Union is neither restricted nor prohibited on grounds relating to the protection of natural persons with regard to the processing of personal data.</li> <li>- This law is relevant to OEMs as it presents the necessity to protect the enterprise's data and information that are not made to be disclosed with the public.</li> </ul> <ul style="list-style-type: none"> <li>• <i>Key points for suppliers:</i> <ul style="list-style-type: none"> <li>- With the GDPR, any company in the world processing European citizens' data will have to be able to clearly explain why the data is being collected.</li> <li>- Firms are encouraged to hire a Data Protection Officer (DPO), a data governance leader within a company who takes care of all the data retrieved and used.</li> <li>- From 25 May 2018, companies that do not comply with the regulations are subject to sanctions that go far beyond the current scope of the Commission Nationale de l'Informatique et des Libertés (French public organisation historically in charge of data protection).</li> <li>- This new legal framework reinforces particularly the vigilance of big companies in order to ensure that their subcontractors do not take the data management lightly.</li> </ul> </li> </ul> <p>Source: <a href="https://www.cnil.fr/fr/comprendre-le-rqpd">https://www.cnil.fr/fr/comprendre-le-rqpd</a></p>	<p>Within the EU, it is <u>equally strict</u> as the Guiding Principles since it provides a large set of obligations on the secrecy of private information.</p>
<p>4. Financial Responsibility/Accurate Records</p>	<p><b>Law No. 2001-420 of 15 May 2001 on new economic regulations</b></p> <ul style="list-style-type: none"> <li>• <i>Scope of the legislation:</i> <ul style="list-style-type: none"> <li>- The law of 15 May 2001 on new economic regulations introduced mandatory extra-financial reporting for listed companies.                             <ul style="list-style-type: none"> <li>○ This law served as a support to enact the Act of 12 July 2010 on a national commitment to the environment structured the extra-financial reporting system by increasing the volume of information to be provided and extending its scope of application to the largest companies in the commercial, financial, mutual, cooperative and provident sectors.</li> </ul> </li> <li>- A limited number of suppliers will be directly affected by this law as it is concerned with companies with 500 employees and EUR 20 million turnover at least. As with other pieces of legislations, it however helps create pressure on economic actors to disclose environmental and social information, with effects throughout the supply chain.</li> </ul> </li> <li>• <i>Key points for suppliers:</i> <ul style="list-style-type: none"> <li>- Article 116 of the NRE law has led companies to communicate and produce sustainable development reports.</li> <li>- Based on a requirement for transparency of information, this law establishes that French listed companies must present, in the annual management report, alongside their accounting and financial information, data on the environmental and social consequences of their activities.</li> </ul> </li> </ul> <p>Source : <a href="https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000022470434">https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000022470434</a></p>	<p>The French legislation is <u>equally strict</u> as the Guiding Principles and Practical Guidance.</p>

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<p>5. Disclosure of Information</p>	<p><b>LAW No. 2015-992 of 17 August 2015 on energy transition for green growth</b></p> <ul style="list-style-type: none"> <li>• <i>Scope of the legislation:</i> <ul style="list-style-type: none"> <li>- The Law on Energy Transition for Green Growth (LTECV), published in the Official Journal of 18 August 2015, and its accompanying action plans aim to enable France to contribute more effectively to the fight against climate change and the preservation of the environment, as well as to strengthen its energy independence while providing its businesses and citizens with access to energy at a competitive cost.</li> <li>- This law notably requires OEMs to provide information related to their physical impact on the environment.</li> </ul> </li> <li>• <i>Key points for suppliers:</i> <ul style="list-style-type: none"> <li>- Article 173-III obliges companies operating in France to take climate risk into account in the annual report of the chairman of the company's board of directors.</li> <li>- Article 173-IV also extended the carbon reporting obligation of companies to indirect "Scope 3" emissions, including emissions related to the use of goods and services produced. This marks the desire to account for greenhouse gas emissions upstream and downstream of production.</li> </ul> </li> </ul> <p>Source: <a href="https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000031044385">https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000031044385</a></p>	<p>The laws tackling the disclosure of information have been renewed every few years providing more updated framework for the transparency of a firm. The larger quantity of decrees makes it <u>stricter</u> than the Guiding Principles for companies directly in the scope of the legislation. Smaller companies will only be indirectly impacted, making French regulation less strict than the guiding principles if that is the case.</p>
<p>6. Fair Competition/Anti-Trust</p>	<p><b>Competition law</b></p> <ul style="list-style-type: none"> <li>• <i>Scope of the legislation:</i> <ul style="list-style-type: none"> <li>- The article 1240 of the Civil code addresses rules regarding disloyal competition.</li> <li>- OEMs will have to comply with the other businesses regarding fair competition.</li> </ul> </li> <li>• <i>Key points for suppliers:</i> <ul style="list-style-type: none"> <li>- A business which considers itself the victim of unfair competition must succeed in proving the existence of a fault, the existence of a prejudice and the existence of a causal link between the fault and the prejudice.</li> </ul> </li> </ul> <p>Source: <a href="https://www.jurifiable.com/conseil-juridique/droit-de-la-concurrence">https://www.jurifiable.com/conseil-juridique/droit-de-la-concurrence</a></p>	<p>The legislation on fair competition and anti-trust provides some guidance on the behavior's firms have to adopt on the market. With this article 1240, it is <u>equally strict</u> as the Guiding Principles.</p>
<p>7. Conflicts of Interest</p>	<p><b>Loi n° 2016-483, 20 April 2016</b></p> <ul style="list-style-type: none"> <li>• <i>Scope of the legislation:</i> <ul style="list-style-type: none"> <li>- This law defines the set of rules that govern the behavior of public officials.</li> <li>- Through this law, the legislator's intention is to explicitly recall the common ethical values by supplementing the law of 13 July 1983.</li> </ul> </li> <li>• <i>Key points for suppliers:</i> <ul style="list-style-type: none"> <li>- Employees must follow principles of dignity, impartiality, integrity and probity</li> <li>- To prevent conflicts of interests, employees must submit a (1) declaration of interest, (2) declaration of property situation and (3) Management of financial instruments</li> </ul> </li> </ul>	<p>The laws tackling issues raised by conflict of interests provide a background only for the public sector. Hence, as it does not set rules of conduct for the private sector, it is <u>less strict</u> than the Guiding Principles.</p>

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	<p>Source: <a href="https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000032433852&amp;categorieLien=id">https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000032433852&amp;categorieLien=id</a></p> <p><b>Code Middenext</b></p> <ul style="list-style-type: none"> <li>• <i>Scope of the legislation:</i> <ul style="list-style-type: none"> <li>- Middenext is the independent French professional association exclusively representative of mid-cap listed companies.</li> <li>- Its goal is to represent and defend the interests of mid-cap companies, promote the listed companies it federates, lead managers of listed companies and contribute to the development of knowledge on mid-cap listed companies.</li> </ul> </li> <li>• <i>Key points for suppliers:</i> <ul style="list-style-type: none"> <li>- Section 2-7: "If circumstances give rise to a potential or actual conflict of interest, the employees concerned must report this."</li> </ul> </li> </ul> <p>Source: <a href="https://www.middenext.com/IMG/pdf/17_09_21_code_middenext_antirruption_anglais.pdf">https://www.middenext.com/IMG/pdf/17_09_21_code_middenext_antirruption_anglais.pdf</a></p>	
<p>8. Counterfeit Parts</p>	<p><b>Code de la consommation (Consumer Code), 2020</b></p> <ul style="list-style-type: none"> <li>• <i>Scope of the legislation:</i> <ul style="list-style-type: none"> <li>- The Consumer Code is a legal corpus that compiles all the laws and regulations relating to consumer law.</li> <li>- It is the result of a codification carried out in the 1990s. The legislative part was completed in 1993 and the regulatory part in 1995. It was completely recodified by an ordinance that came into force on 1 July 2016.</li> <li>- This code will require OEMs to prohibit counterfeit parts within their industrial activity.</li> </ul> </li> <li>• <i>Key points for suppliers:</i> <ul style="list-style-type: none"> <li>- The services and establishments of the State and other public authorities are required to communicate to the agents of the Directorate-General for Competition, Consumer Affairs and Fraud Control and to the officers and agents of the judicial police all information and documents in their possession that may prove useful in the fight against counterfeiting.</li> </ul> </li> </ul> <p>Source: <a href="https://www.legifrance.gouv.fr/affichCode.do?cidTexte=LEGITEXT000006069565">https://www.legifrance.gouv.fr/affichCode.do?cidTexte=LEGITEXT000006069565</a></p> <p><b>Code de la propriété intellectuelle (Intellectual Property Code)</b></p> <ul style="list-style-type: none"> <li>• <i>Scope of the legislation:</i> <ul style="list-style-type: none"> <li>- The Intellectual Property Code was created by Act No. 92-597 of 1 July 1992 on the Intellectual Property Code, published in the Official Journal of 3 July 1992.</li> </ul> </li> </ul>	<p>This legislation on counterfeit parts includes different laws in France. As such, both the <i>Code de la consommation</i> and the <i>Code de la propriété intellectuelle</i> set valuable regulations for the protection of a firm's product. As such, it is considered <u>stricter</u> than the Guiding Principles.</p>

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	<ul style="list-style-type: none"> <li>- It brings together most of the former laws governing the two branches of intellectual property, namely industrial property and literary and artistic property.</li> <li>- It is regularly updated by Parliament: the latest version of this text is a consolidated version dated December 22, 2014.</li> <li>- In terms of research and development, suppliers will have to comply with the Intellectual Property Code and abide by its rules to ensure fair competition.</li> </ul> <ul style="list-style-type: none"> <li>• <i>Key points for suppliers:</i> <ul style="list-style-type: none"> <li>- (Article L716-9)                             <ul style="list-style-type: none"> <li>○ Any person who, with a view to selling, supplying, offering for sale or renting goods presented under a counterfeit trademark shall be punished by four years' imprisonment and a fine of 400,000 euros</li> <li>○ Where the offences provided for in this Article have been committed in an organised gang or on an online public communication network or where the facts relate to goods endangering the health or safety of humans or animals, the penalties shall be increased to seven years' imprisonment and a fine of EUR 750,000.</li> </ul> </li> </ul> </li> </ul> <p>Source: <a href="https://www.legifrance.gouv.fr/affichCode.do?cidTexte=LEGITEXT000006069414">https://www.legifrance.gouv.fr/affichCode.do?cidTexte=LEGITEXT000006069414</a></p>	
<p>9. Intellectual Property</p>	<p><b>Code de la propriété actuelle (Intellectual Property Code)</b></p> <ul style="list-style-type: none"> <li>• <i>Scope of the legislation:</i> <ul style="list-style-type: none"> <li>- The Intellectual Property Code was created by Act No. 92-597 of 1 July 1992 on the Intellectual Property Code, published in the Official Journal of 3 July 1992.</li> <li>- It brings together most of the former laws governing the two branches of intellectual property, namely industrial property and literary and artistic property.</li> <li>- It is regularly updated by Parliament: the latest version of this text is a consolidated version dated December 22, 2014.</li> <li>- In terms of research and development, suppliers will have to comply with the Intellectual Property Code and abide by its rules to ensure fair competition.</li> </ul> </li> <li>• <i>Key points for suppliers:</i> <ul style="list-style-type: none"> <li>- This law protects intellectual works, trademarks, patents and sometimes also company investments.</li> </ul> </li> </ul> <p>Source: <a href="https://www.legifrance.gouv.fr/affichCode.do?cidTexte=LEGITEXT000006069414">https://www.legifrance.gouv.fr/affichCode.do?cidTexte=LEGITEXT000006069414</a></p>	<p>This legislation on Intellectual property sets two major laws on the protection of research and development. By setting a framework of protected relations between companies, investors and suppliers, it is <u>stricter</u> than the Guiding Principles.</p>
<p>10. Export Controls and Economic Sanctions</p>	<p><b>Order of 9 February 2009 on vehicle registration procedures</b></p> <ul style="list-style-type: none"> <li>• <i>Scope of the legislation:</i> <ul style="list-style-type: none"> <li>- The decree No. 2009-136 of 9 February 2009 addresses various provisions relating to plates and inscriptions, type approval and registration of vehicles.</li> <li>- As such, OEMs will have to abide by the registration of exported vehicles.</li> </ul> </li> <li>• <i>Key points for suppliers:</i></li> </ul>	<p>This legislation on export controls provides an important regulatory obligations between suppliers and businesses. However, it can seem <u>less strict</u> than the Guiding principles because of a narrower scope. In fact, the Guiding</p>

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	<ul style="list-style-type: none"> <li>- Used vehicles are exported without changing their registration number. New vehicles (i.e. never registered) can be exported with a provisional registration WW (valid for 1 month, can be extended once). The applicable regulations are mainly governed by the decree of 9 February 2009 on the terms and conditions for vehicle registration.</li> </ul> <p>Source : <a href="https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000020237165">https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000020237165</a></p> <p><b>Customs Code of the Union (CDU)</b></p> <ul style="list-style-type: none"> <li>• <i>Scope of the legislation:</i> <ul style="list-style-type: none"> <li>- In the European Union, the customs declaration is used for Member States' trade with non-EU countries and for the movement of non-EU goods within the European Union.</li> <li>- This declaration may be drawn up in accordance with ordinary law (normal procedure) or in accordance with a simplified procedure (simplified declaration, followed by a comprehensive supplementary declaration). Its form and content are defined by the Customs Code of the Union (CDU) and its implementing provisions, which entered into force on 1 May 2016.</li> <li>- OEMs will have to comply to these exportation rules to ensure the flow of their material needed for production/distribution.</li> </ul> </li> <li>• <i>Key points for suppliers:</i> <ul style="list-style-type: none"> <li>- Once the export declaration has been filed, the ECS system works as follows:                             <ul style="list-style-type: none"> <li>- Edition by the operator of the accompanying document (EAD: Export Accompanying Document) ;</li> <li>- Notification of arrival of goods at the office of exit by the person responsible for the goods at destination ;</li> <li>- Possible control of the goods by the customs, according to a prior risk analysis;</li> </ul> </li> <li>- Notification of exit by the carrier or his representative ;</li> <li>- Sending of the exit result by customs to the office of export which, upon receipt, certifies the exit of the goods (the certification will allow the operator to possibly benefit from the VAT exemption).</li> </ul> </li> </ul> <p>Source : <a href="https://www.douane.gouv.fr/fiche/limport-ou-lexport-une-obligation-declarer-sa-marchandise">https://www.douane.gouv.fr/fiche/limport-ou-lexport-une-obligation-declarer-sa-marchandise</a></p>	<p>Principles mentions specifically goods, but also software, services and technology. The Practical Guidance also opens the ways towards auditing and reporting on these subjects.</p>
<p>11. Protection of Identity and Non-Retaliation</p>	<p><b>Loi Sapin II, 8 November 2016</b></p> <ul style="list-style-type: none"> <li>• <i>Scope of the legislation:</i> <ul style="list-style-type: none"> <li>- All companies having 50 or more employees must introduce whistleblowing rules.</li> </ul> </li> </ul> <p>The whistleblower shall follow a procedure for making disclosures, provided by the whistleblowing policy applicable.</p> <ul style="list-style-type: none"> <li>• <i>Key points for suppliers:</i> <ul style="list-style-type: none"> <li>- Article 6 of the Sapin II law defines the whistle-blower as follows: "A whistle-blower is a natural person who reveals or reports, disinterestedly and in good faith, a crime or offense, a serious and manifest violation of an international commitment duly ratified or approved by France, a unilateral act of an international organization taken on the basis of such an undertaking, law or regulation, or a serious threat or harm to the public interest, of which it has been personally aware. "</li> </ul> </li> </ul>	<p>This legislation on the protection of identity and non-retaliation sets a valuable framework for businesses. As such, it can seem <u>equally strict</u> as the Guiding principles.</p>

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- To be protected, the individual must: 1/ be an employee or agent of the company (this includes interns, temporary employees or employees of a temping agency provisioned for the company) but **cannot be a supplier**, 2/ respect the whistleblowing rules (ie scope, act in good faith, have personal knowledge of the facts, not seeking for personal interest or financial advantage)
- The whistleblowing disclosures must be limited to the reporting of: (1) a crime or illegal act, (2) a serious and clear breach of an international engagement ratified or approved by France, or of a unilateral act of an international organisation based on such an engagement, (3) a serious and clear breach of the law or regulation, (4) a threat or serious prejudice for general public interest.

Source: <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000033558528&categorieLink id = https://simmons-simmons.com/en/publications/ck0azrq1276ea0b94f6i3goa7/24-whistleblowing-in-france>

## 2. Working Conditions and Human Rights

**Guiding Principles:** Companies should respect the human rights of workers, and treat all people with dignity as recognized by the international community.

Topic	Relevant local legislation	Benchmark against Guiding Principles / Practical Guidance
1. Child Labour and Young Workers	<p><b>Directive 94/33/CE, 22 June 1994</b></p> <ul style="list-style-type: none"> <li>• <i>Scope of the legislation:</i> <ul style="list-style-type: none"> <li>- The Council Directive 94/33/EC addresses the protection of young people at work.</li> <li>- This law applies to suppliers as they need to ensure that workers of a young age are given safe working conditions.</li> </ul> </li> <li>• <i>Key points for suppliers:</i> <ul style="list-style-type: none"> <li>- Companies are obliged to prohibit the employment of children (i.e. persons under the age of 15 or children still subject to compulsory schooling).</li> <li>- Young people's work must be subject to strict control and protection measures in line with the provisions of the Directive.</li> <li>- This Directive lays down the employer's general obligations with regard to the protection and monitoring of the health and safety of young workers.</li> </ul> </li> </ul> <p>Source : <a href="https://eur-lex.europa.eu/legal-content/FR/TXT/HTML/?uri=CELEX:31994L0033">https://eur-lex.europa.eu/legal-content/FR/TXT/HTML/?uri=CELEX:31994L0033</a></p> <p><b>Code du Travail (Labour Code)</b></p> <ul style="list-style-type: none"> <li>• <i>Scope of the legislation:</i> <ul style="list-style-type: none"> <li>- The French Labour Code is an organised collection of most of the laws and regulations applicable in the field of labour law, which mainly concerns employees under private law employment contracts, with public sector employees generally being subject to special statutes.</li> </ul> </li> </ul>	<p>This legislation on Child Labour and Young workers contains many laws and judgements since the 20<sup>th</sup> century. With the implementation of further laws at the national and European level, it presents <u>stricter</u> requirements than the Guiding Principles. It is especially stricter regarding requirements to working hours, which the companies need to comply with.</p>

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- This law applies to OEMs as they need to ensure that workers of a young age are given safe working conditions.
- *Key points for suppliers:*
  - Transposition of the Directive 94/33/CE of June 2<sup>nd</sup> 1994
  - The working hours of children doing light work during school holidays amounts to 35 hours per week;
  - the minimum daily rest period for a child is 14 hours;
  - the weekly rest period for young workers is two days;
  - Night work by children should be prohibited from 8 p.m. to 6 a.m.
  - a compulsory 30-minute break for young workers should be introduced for periods exceeding 4.5 hours of daily work.

### **Charte des droits fondamentaux de l'Union Européenne (Human Rights Charter of the EU), 7 December 2000**

- *Scope of the legislation:*
  - The chart outlines the fundamental rights of individuals living in the European Union.
  - This law applies to OEMs as they need to ensure that workers are working in a safe and secure environment.
- *Key points for suppliers:*
  - Companies have the duty to respect the rights outlines in the charts, addressing human dignity, individual freedom, equality, solidarity, citizenship and access to justice.

Source : [https://www.europarl.europa.eu/charter/pdf/text\\_fr.pdf](https://www.europarl.europa.eu/charter/pdf/text_fr.pdf)

### **Constitution Francaise, 1958**

- *Scope of the legislation:*
  - The French Constitution of 4 October 1958 is the constitution of the Fifth Republic, the regime currently in force in France. It is the supreme legal norm of the country and contains twenty-four revisions.
- *Key points for suppliers:*
  - All workers shall participate, through their delegates, in the collective determination of working conditions and in the management of undertakings.
  - It guarantees everyone, including children, mothers and older workers, health protection, material security, rest and recreation. Every human being who, by reason of his age, physical or mental condition or economic situation, is unable to work shall have the right to obtain from the community an adequate means of subsistence.

Source: <https://www.legifrance.gouv.fr/Droit-francais/Constitution>

## Expectations towards suppliers as defined in the Guiding Principles and local legislation

<p>2. Wages and Benefits</p>	<p><b>Code du Travail (Labour Code)</b></p> <ul style="list-style-type: none"> <li>• <i>Scope of the legislation:</i> <ul style="list-style-type: none"> <li>- The French Labour Code is an organised collection of most of the laws and regulations applicable in the field of labour law, which mainly concerns employees under private law employment contracts, with public sector employees generally being subject to special statutes.</li> <li>- This law is relevant for OEMs as workers will benefit from the average French regulation on wage and associated benefits.</li> </ul> </li> <li>• <i>Key points for suppliers:</i> <ul style="list-style-type: none"> <li>- Leaves                             <ul style="list-style-type: none"> <li>○ Days off must be taken each year by the employee and cannot be replaced by the payment of a compensatory allowance (not to be confused with the holiday pay paid to employees on leave).</li> <li>○ It is up to "the employer to take the appropriate measures to ensure that the employee can effectively exercise his or her right to leave and, in the event of a dispute, to justify that he or she has taken the steps legally incumbent on him or her to this end".</li> </ul> </li> <li>- Wages                             <ul style="list-style-type: none"> <li>○ Although it is freely determined by the parties, the amount of the wage may not be less than the minimum wage or the minimum wage set by the applicable collective agreement (see, for example, the minimum wage provided for in the Syntec agreement). This is regardless of the nature of the contract (permanent or fixed-term contract) and the duration of the work (full-time or part-time).</li> <li>○ The only exceptions to this minimum wage principle are: childcare assistants, young people under the age of 18, people on an apprenticeship or professionalization contract, trainees and holders of certain subsidized contracts, and non-exclusive sales representatives.</li> </ul> </li> <li>- Benefits                             <ul style="list-style-type: none"> <li>○ Bonuses and gratuities are paid in addition to salary.</li> <li>○ Their payment is compulsory if it is provided for in: the employment contract, a collective agreement, a custom, or a unilateral commitment by the employer.</li> </ul> </li> </ul> </li> </ul> <p>Source: <a href="https://www.legifrance.gouv.fr/affichCode.do?cidTexte=LEGITEXT000006072050">https://www.legifrance.gouv.fr/affichCode.do?cidTexte=LEGITEXT000006072050</a>  <a href="https://www.syntec.fr/convention-collective/">https://www.syntec.fr/convention-collective/</a></p> <p><b>Convention Collective des entreprises du secteur de l'Automobile</b> (Collective convention agreement for companies in the automotive sector)</p> <ul style="list-style-type: none"> <li>• <i>Scope of the collective agreement:</i> <ul style="list-style-type: none"> <li>- This collective agreement is applicable to all French suppliers on trade, motor vehicle, cycle and motorcycle repair and related activities, motor vehicle roadworthiness testing and driver training 2020 codifies and regulates working conditions and labour relations between companies in the automotive sector on the one hand and their employees working there on the other hand.</li> <li>- These companies include those engaged in the trade and repair of motor vehicles and motorcycles, the trade in motor vehicle equipment, fuel, car rental or driving instruction.</li> </ul> </li> <li>• <i>Key points for suppliers:</i></li> </ul>	<p>The set of laws regarding labour wages and its benefit dates from the mid-20<sup>th</sup> century, further completed by rights on minimum wages and additional benefits. It is <u>stricter</u> than the Guiding Principles as it provides clearer details on potential exceptions to leaves, wages and benefits legislations.</p>
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## Expectations towards suppliers as defined in the Guiding Principles and local legislation

	<ul style="list-style-type: none"> <li>- The monthly salary must be at least equal to the conventional monthly minimum wage plus 25% for packages of 218 days. In the case of packages &lt; 218 days, the 25% increase is calculated in proportion to the number of days. The value of a working day is obtained by dividing the monthly remuneration by 22. A Sunday worked counts as 2 working days and entitles you to an allowance in addition to the flat-rate remuneration (equal to 1/22 of this flat-rate).</li> <li>- The gross monthly minimum wages below are based on 35 hours per week, i.e. 151.67 hours per month.</li> </ul> <p>Source: <a href="https://www.dicotravail.com/convention-collective/automobile-jo-3034-idcc-1090/">https://www.dicotravail.com/convention-collective/automobile-jo-3034-idcc-1090/</a></p>	
<p>3. Working Hours</p>	<p><b>Article L3121 – Code du Travail (Labour Code)</b></p> <ul style="list-style-type: none"> <li>• <i>Scope of the legislation:</i> <ul style="list-style-type: none"> <li>- The French Labour Code is an organised collection of most of the laws and regulations applicable in the field of labour law, which mainly concerns employees under private law employment contracts, with public sector employees generally being subject to special statutes.</li> <li>- OEMs will thus have to follow the working times of their employees in the manufacturing plants.</li> </ul> </li> <li>• <i>Key points for suppliers:</i> <ul style="list-style-type: none"> <li>- The legal working time for full-time employees is set at thirty-five hours per week, for all companies, regardless of the number of employees. This is a reference period, a threshold from which, with some exceptions, overtime is calculated. It is neither a minimum (employees may be employed part-time) nor a maximum (except, subject to a few derogations, for workers under 18 years of age).</li> <li>- Overtime may be worked in compliance with the maximum periods beyond which no work may be requested.</li> </ul> </li> </ul> <p>Source: <a href="https://www.legifrance.gouv.fr/affichCodeArticle.do?idArticle=LEGIARTI000006902817&amp;cidTexte=LEGITEXT000006072050">https://www.legifrance.gouv.fr/affichCodeArticle.do?idArticle=LEGIARTI000006902817&amp;cidTexte=LEGITEXT000006072050</a></p> <p><b>Convention Collective des entreprises du secteur de l'Automobile</b> (Collective convention agreement for companies in the automotive sector)</p> <ul style="list-style-type: none"> <li>• <i>Scope of the collective agreement:</i> <ul style="list-style-type: none"> <li>- This collective agreement is applicable to all French suppliers on trade, motor vehicle, cycle and motorcycle repair and related activities, motor vehicle roadworthiness testing and driver training 2020 codifies and regulates working conditions and labour relations between companies in the automotive sector on the one hand and their employees working there on the other hand.</li> <li>- These enterprises are in particular those engaged in the trade and repair of motor vehicles and motorcycles, the trade in motor vehicle equipment, fuel or car rental, or the teaching of driving skills.</li> </ul> </li> <li>• <i>Key points for suppliers:</i> <ul style="list-style-type: none"> <li>- Overtime surcharges are 25% for the first 8 hours (those worked from the 36th hour to the 43rd hour), and 50% from the 44th hour onwards.</li> </ul> </li> </ul>	<p>The laws posed by the Labor Code on working hours in France is very precise regarding the number of hours allocated to work, pauses, preparation for work, and extra-time allocated. In that sense, it presents a <u>stricter</u> version of the Guiding principles.</p>

## Expectations towards suppliers as defined in the Guiding Principles and local legislation

	<ul style="list-style-type: none"> <li>- Dressing and undressing times at the workplace are not actual working time.</li> <li>- The overtime quota in the automotive sector is set at 220 hours yearly excluding working time modulation.</li> </ul> <p>Source: <a href="https://www.dicotravail.com/convention-collective/automobile-jo-3034-idcc-1090/">https://www.dicotravail.com/convention-collective/automobile-jo-3034-idcc-1090/</a></p>	
4. Forced Labour	<p><b>Law 2013-711, August 5th 2013</b></p> <ul style="list-style-type: none"> <li>• <i>Scope of the legislation:</i> <ul style="list-style-type: none"> <li>- Law 2013-711 of 5 August 2013 (published in the OJ of 6 August 2013), by transposing three directives, two framework decisions and the decision strengthening Eurojust, adapts French legislation to several international conventions, as well as a protocol and a United Nations (UN) resolution for the prohibition of forced labour.</li> </ul> </li> <li>• <i>Key points for suppliers:</i> <ul style="list-style-type: none"> <li>- Violence or threats and vulnerability are considered characteristics of trafficking in human beings without aggravating circumstances and are punishable by seven years' imprisonment.</li> <li>- The law recognizes that certain cases of abuse of authority or abuse of a situation of "particular" vulnerability constitute aggravated trafficking in human beings and are punishable by 10 years' imprisonment.</li> </ul> </li> </ul> <p>Source : <a href="https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000027805521&amp;dateTexte=">https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000027805521&amp;dateTexte=</a></p>	<p>The legislation on Forced Labor goes back to old laws and has evolved throughout the centuries, thus being updated with most recent European and French law on the prohibition of forced labor. The French law is <u>equally strict</u> as the Guiding principles.</p>
5. Freedom of Association	<p><b>Article L 1131 – Exercice du droit syndical (freedom of association) - Code du Travail (Labour Code)</b></p> <ul style="list-style-type: none"> <li>• <i>Scope of the legislation:</i> <ul style="list-style-type: none"> <li>- The French Labour Code is an organised collection of most of the laws and regulations applicable in the field of labour law, which mainly concerns employees under private law employment contracts, with public sector employees generally being subject to special statutes.</li> <li>- The provisions of this Title shall apply to private-law employers and their employees. They shall also apply to the staff of public persons employed under the conditions of private law.</li> </ul> </li> <li>• <i>Key points for suppliers:</i> <ul style="list-style-type: none"> <li>- The exercise of the right to association is recognized in all enterprises with respect for the rights and freedoms guaranteed by the Constitution of the Republic, in particular individual freedom of work.</li> <li>- It is prohibited for an employer to take into consideration membership of a trade union or the exercise of trade union activity when making decisions concerning, in particular, recruitment, conduct and distribution of work, vocational training, promotion, remuneration and the granting of social benefits, disciplinary measures and termination of the employment contract.</li> </ul> </li> </ul> <p>Source : <a href="https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006177917&amp;cidTexte=LEGITEXT000006072050">https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006177917&amp;cidTexte=LEGITEXT000006072050</a></p>	<p>The freedom of association in France is a very important component of working condition and human rights within the internal organization of companies. As there is a national and European legislation on the freedom of association, added to companies' internal agreements on the matter, it presents a <u>stricter</u> version of the Guiding principles.</p>

## Expectations towards suppliers as defined in the Guiding Principles and local legislation

### 6. Health & Safety

#### Directive-cadre 89/391: Health and Safety at work, 12 June 1989

- *Scope of the legislation:*
  - This law on improving the safety and health of workers contains the general principles in the field of health and safety at work.
  - It has been in force in France since 1993 and provides that the employer must take all practical measures necessary to ensure the safety of workers and protect their health. It has been implemented in the Labour Code.
  - OEMs will have to ensure that workers in the plant will be guaranteed safety.
- *Key points for suppliers:*
  - Every employee has the right to a safe working environment and a protection against health-related risks. These risks broadly encompass physical but also psychological risks. According to jurisprudence, these principles should be read as performance obligations and not means obligations.
  - In addition, the actions of the Company manager must be based on the 9 general principles of prevention which are enshrined in the Labour Code (C. trav., Art. L. 4121-2):
    - Avoid risks,
    - Assess the risks that cannot be avoided,
    - Combat risks at source,
    - Adapt work to people,
    - Take into account the evolution of the technique,
    - Replace what is dangerous with what is less or not at all,
    - Plan prevention,
    - Take collective protection measures as a priority over individual protection measures,
    - Give recorded instructions to workers.
  - In order to comply with its obligation of security of results, the employer must assess the risks for each of his employees according to the activities of his company and working methods, including with regard to the choice of manufacturing processes, chemical work, substances or preparation; the layout of workplaces or facilities; the definition of workstations. This assessment must take into account all the constraints, including personal constraints: gender inequalities, disabled employee, etc. This assessment is recorded in the Single Professional Risk Assessment Document, which can be consulted at any time by employees, employee representatives and the labor inspector, and which will be reviewed at least once a year.
  - The Head of the company is therefore directly and personally responsible for the safety and health protection of each of his employees.
  - There are also several players in occupational health and safety, since safety is everyone's business, employees and their representatives (CE, DP, CHSCT, DS, ...), have an obligation to give their full support and active participation in prevention and protection actions.
  - The labour inspectorate is responsible for monitoring compliance with safety regulations in the company. When the inspector finds a breach, he or she may draw up a report and give formal notice to the employer in the event of an infringement, refer the matter to the judge in summary proceedings in all cases of serious risk of physical or mental harm to an employee, or, in the event of serious and imminent danger, prescribe all useful measures, in particular the temporary suspension of certain work on the site.

This legislation on Health and Safety contains many provisions protecting workers and providing them insurance. Besides, some provisions protect employees undertaking manual work, subject to physical risks at work. As such, this category of laws presents an equally strict version as the Guiding Principles.

## Expectations towards suppliers as defined in the Guiding Principles and local legislation

	<p>Source : <a href="https://eur-lex.europa.eu/legal-content/FR/TXT/?uri=CELEX:31989L0391">https://eur-lex.europa.eu/legal-content/FR/TXT/?uri=CELEX:31989L0391</a></p> <p><b>Article L 242-1 – Code de la Sécurité Sociale (Social Security Code)</b></p> <ul style="list-style-type: none"> <li>• <i>Scope of the legislation:</i> <ul style="list-style-type: none"> <li>- The French Social Security Code is a collection of legislative or regulatory articles, the function of which is to determine the financing, organisation, operation and general legal regime of Social Security.</li> <li>- OEMs employees will benefit from national social security insurance.</li> </ul> </li> <li>• <i>Key points for suppliers:</i> <ul style="list-style-type: none"> <li>- Social security in France guarantees salaries and assimilated benefits, allowances and assimilated benefits, supplementary social benefits, replacement income in case of sick leave, maternity or work accident, "extralegal" family benefits, cash benefits provided by the works council, benefits in kind such as housing and food or the provision of a professional vehicle used for private purposes.</li> </ul> </li> </ul> <p>Source : <a href="https://www.legifrance.gouv.fr/affichCodeArticle.do?cidTexte=LEGITEXT000006073189&amp;idArticle=LEGIARTI000019950246">https://www.legifrance.gouv.fr/affichCodeArticle.do?cidTexte=LEGITEXT000006073189&amp;idArticle=LEGIARTI000019950246</a></p>	
7. Harassment	<p><b>Article L.1152 – Code du travail (Labour Code)</b></p> <ul style="list-style-type: none"> <li>• <i>Scope of the legislation:</i> <ul style="list-style-type: none"> <li>- The French Labour Code is an organised collection of most of the laws and regulations applicable in the field of labour law, which mainly concerns employees under private law employment contracts, with public sector employees generally being subject to special statutes.</li> <li>- This article of the labour law strongly prohibits the verbal insults and assaults it characterizes as harassment.</li> </ul> </li> <li>• <i>Key points for suppliers:</i> <ul style="list-style-type: none"> <li>- No employee shall be subjected to repeated acts of psychological harassment that have as their object or effect a deterioration in their working conditions likely to affect their rights and dignity, impair their physical or mental health or jeopardize their professional future. This include: <ul style="list-style-type: none"> <li>○ Public injury</li> <li>○ Threats and defamations</li> <li>○ Harassment</li> </ul> </li> </ul> </li> </ul> <p>Source : <a href="https://www.legifrance.gouv.fr/affichCodeArticle.do?cidTexte=LEGITEXT000006073189&amp;idArticle=LEGIARTI000019950246">https://www.legifrance.gouv.fr/affichCodeArticle.do?cidTexte=LEGITEXT000006073189&amp;idArticle=LEGIARTI000019950246</a></p>	<p>This legislation on Harassment contains articles and laws in the Labour Code and often in companies' internal conventions. By providing more details on the definition and sanctions of harassment activities, it presents a <u>stricter</u> version of the Guiding Principles.</p>
8. Non-Discrimination	<p><b>Article L 1132 – Code du Travail (Labour Code)</b></p> <ul style="list-style-type: none"> <li>• <i>Scope of the legislation:</i></li> </ul>	<p>This legislation on discrimination against individuals and groups of individuals contains many articles and</p>

## Expectations towards suppliers as defined in the Guiding Principles and local legislation

- The French Labour Code is an organised collection of most of the laws and regulations applicable in the field of labour law, which mainly concerns employees under private law employment contracts, with public sector employees generally being subject to special statutes.
- The provisions of this Title shall apply to private-law employers and their employees. They shall also apply to the staff of public persons employed under the conditions of private law.
- *Key points for suppliers:*
  - Any decision by the employer (hiring, promotion, sanctions, transfer, dismissal, training...) must be taken on the basis of professional criteria and not on personal considerations, based on elements external to work (sex, religion, physical appearance, nationality, sexual orientation). Failure to do so may result in civil and criminal sanctions.
  - In addition, in any company employing at least 300 employees or specialising in recruitment, employees responsible for recruitment assignments receive training in non-discrimination in recruitment at least once every five years. It is up to the employer to implement this obligation (article L. 1131-2 of the Labour Code).

Source :

<https://www.legifrance.gouv.fr/affichCodeArticle.do?idArticle=LEGIARTI000028650462&cidTexte=LEGITEXT000006072050>

### Article 225-1 to 225-4 – Code Pénal (Criminal Code)

- *Scope of the legislation:*
  - The Criminal Code is the codification of French criminal law. It came into force on 1 March 1994 to replace the Criminal Code of 1810 and is now referred to as the old Criminal Code in the few decisions that still have to apply it.
  - This article presents the definitions of what a discrimination is, who is affected by this and what are the sanctions carried to whoever is discriminating another.
- *Key points for suppliers:*
  - Direct discrimination shall be deemed to exist where, on the grounds of origin, sex, marital status, pregnancy, physical appearance, particular vulnerability resulting from the economic situation, apparent or known to the perpetrator, surname, place of residence or bank address, state of health, loss of autonomy, disability, genetic characteristics, morals or sexual orientation, of his or her gender identity, age, political opinions, trade union or mutualist activities, exercise of a local elective mandate, ability to express himself or herself in a language other than French, membership or non-membership, real or supposed, of a particular ethnic group, nation, alleged race or religion, a person shall be treated less favourably than another is, has been or will be treated in a comparable situation.

Source :

<https://www.legifrance.gouv.fr/affichCodeArticle.do?cidTexte=LEGITEXT000006070719&idArticle=LEGIARTI000006417828>

laws in the Labour Code, the Criminal Code and often in companies' internal conventions. As such, these elements present at least an equally strict approach, compared with the Guiding principles.

As a reminder, the French constitution, the highest source of law in the French pyramid of norms, provides that no discrimination based on origin, gender, race, etc. can be made. This principle must, however, be read in conjunction with the principle of laicity.

As a consequence, the employer cannot prohibit the employee from having a religious conviction. Any sanction or discrimination because of the employee's religion is therefore illegal. The right to manifest one's religion cannot be prohibited in general and absolutely. However, certain limits may be set if they are justified by the nature of the employee's missions. The company's internal regulations may also limit the expression of personal and religious opinions.

## Expectations towards suppliers as defined in the Guiding Principles and local legislation

**Guiding Principles:** Companies are expected to support a proactive approach to environmental responsibility by protecting the environment, conserving natural resources and reducing the environmental footprint of their production, products and services throughout their life-cycle.

Topic	Relevant local legislation	Benchmark against Guiding Principles / Practical Guidance
<p>1. Energy Consumption &amp; Greenhouse Gas Emissions</p>	<p><b>The Energy Transition for Green Growth Act, 17 August 2015</b></p> <ul style="list-style-type: none"> <li>• Scope of the legislation:                             <ul style="list-style-type: none"> <li>- This national act contains 50 provisions for action and mobilization, aiming to enable France to contribute more effectively to the fight against climate change and to strengthen its energy independence, while guaranteeing access to energy at competitive costs.</li> <li>- Equipment manufacturers must take these new regulations into account as it will influence their production for low-emission vehicles and require some adaptation from their production facilities.</li> <li>- Suppliers will have to take this law into account as it will impact the production towards low-emission vehicles.</li> </ul> </li> <li>• Key points for suppliers:                             <ul style="list-style-type: none"> <li>- An increase in low-emission vehicle production                                     <ul style="list-style-type: none"> <li>○ By 2030; new sold cars must consume 2l/100 km in average, in line with EU regulations (see following paragraphs for more details)</li> <li>○ When replacing their vehicle fleets, the French State and its public bodies are required to purchase a minimum of 50% vehicles with low CO2 and air-polluting emissions, such as electric vehicles.</li> <li>○ 10% of the vehicles purchased by car rental companies, and companies operating taxis and hire cars with drivers when renewing their fleets must also be low-emission vehicles</li> <li>○ Tighter controls on the emission of airborne pollutants during periodic vehicle inspections: This measure requires that, experimentally, current tests on petrol-engine vehicles should include measuring fine particle and nitrogen oxide emission levels, and that tests on diesel engine vehicles include measuring emission levels of carbon monoxide, unburnt hydrocarbons, nitrogen oxide, carbon dioxide and oxygen.</li> </ul> </li> <li>- Maintenance of vehicles                                     <ul style="list-style-type: none"> <li>○ Built-in obsolescence, i.e. deliberately designing a product so that it has a very short service life, becomes a punishable offence.</li> <li>○ Car maintenance and repair professionals must take all necessary actions to offer customers the choice of using recycled spare parts rather than new parts.</li> </ul> </li> <li>- Waste management                                     <ul style="list-style-type: none"> <li>○ The requirement to contract with a waste collector set up by electrical and electronic equipment manufacturers was adopted to optimise recovery and recycling of related waste products via legal and controlled channels.</li> <li>○ Developing a network of waste collection centres for the building and civil engineering trade by 1 January 2017, introducing a scheme requiring wholesale/retail distributors to collect materials from building and civil engineering professionals at (or near) sales outlets.</li> </ul> </li> </ul> </li> </ul> <p>Source: <a href="https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000031044385&amp;categorieLien=id">https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000031044385&amp;categorieLien=id</a></p> <p><b>Law for the Orientation of Mobility, 26 December 2019</b></p>	<p>These French and EU legislations encourage all stakeholders to engage various actors to foster the energy transition through a low-emission transportation. By defining a framework for air pollution reduction, the development of electrified vehicles, this set of laws highlights the means for a green transition. It establishes a target course for CO2 emissions in which suppliers' environmental policies and measures can be integrated.</p> <p>In this sense, it is <u>stricter</u> than the requirements of the Guiding Principles and Practical Guidance as it gives more quantitative objectives for the reduction of equipment manufacturers.</p>

## Expectations towards suppliers as defined in the Guiding Principles and local legislation

- Scope of the legislation:
  - The Law on Orientation Mobility was adopted by the French parliament on December 2019 to solve transport inequalities and promote the practice of soft, sustainable and shared mobility.
  - This set of laws is likely to have ripple-through effect on the whole supply chain. For instance, equipment manufacturers must take these new regulations into account as it will impact the production towards low-emission vehicles.
- Key points for suppliers:
  - Reduction of high-emission vehicles
    - Sale of fossil fuel vehicles will no longer be allowed by 2040 (diesel cars and trucks), in order to reduce the impact of combustion engines on health and the environment and to promote the adoption of electric vehicles (article 73)
    - The law encourages through financial incentives a gradual increase in the share of low and very low emission vehicles (electric and hydrogen fuelled cars) in new passenger car and light commercial vehicle sales.
  - A shift toward the electrification of vehicles
    - The objectives include the deployment of electric vehicles and thus the need to multiply by five the number of electric charging stations by 2022.

Source: <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000039666574&categorieLien=id>

### EU regulations on CO2 emissions in the automotive industry: Regulation EC 443/2009

- Scope of the legislation:
  - The European Parliament and the Council adopted this regulation which introduces CO2 emission performance standards for new passenger cars and new vans for 2025 and 2030. The first target fully applied from 2015 and a new target will be phased in 2020 and fully apply from 2021 onward.
  - Equipment manufacturers will have to take this law into account as it will impact the production towards low-emission vehicles. Impact should therefore be seen more from an industrial strategy point of view.
- Key points for suppliers:
  - Setting emission targets
    - From 2021, phased in from 2020, the EU fleet-wide average **emission target** for new cars will be 95g CO2/km. This emission level corresponds to a fuel consumption of around 4.1 l/100km of petrol or 3,6L/100km of diesel.
    - The binding emission targets for manufacturers are **set according to the average mass of their vehicles**, using a limit value curve. In 2020, the emission targets will apply for each manufacturer's 95% least emitting new cars. From 2021 onward, the average emissions of all newly registered cars of a manufacturer will have to be below the target.
    - In 2020, the emission targets will apply for each manufacturer's 95% least emitting new cars. From 2021 on, the average emissions of all newly registered cars of a manufacturer will have to be below the target.

## Expectations towards suppliers as defined in the Guiding Principles and local legislation

	<ul style="list-style-type: none"> <li>o If the average CO2 emissions of a manufacturer's fleet exceed its target in a given year, the manufacturer has to pay an <b>excess emissions premium</b> for each car registered. Since 2019, the penalty is 95€ for each g/km of target exceedance.</li> <li>- Credit system             <ul style="list-style-type: none"> <li>o To encourage eco-innovation, manufacturers can be granted emission credits for vehicles equipped with innovative technologies for which it is not possible to demonstrate the CO2-reducing effects (max credits is 7g/km per year).</li> <li>o Manufacturers are given additional incentives to put on the market zero and low-emission cars emitting less than 50 g/km through a <b>"super-credit" system</b> (cap set at 7,5g/km per manufacturer over 2020-2022).</li> </ul> </li> <li>- Market competition             <ul style="list-style-type: none"> <li>o Manufacturers can <b>group together</b> and act jointly to meet their emission target, while respecting the rules of competition law.</li> <li>o Manufacturers responsible for fewer than 30 000 new passenger cars registered in the EU in a given year may benefit from <b>exemptions or derogations</b>.</li> </ul> </li> </ul> <p>Source: <a href="https://ec.europa.eu/clima/policies/transport/vehicles/cars_en">https://ec.europa.eu/clima/policies/transport/vehicles/cars_en</a></p>	
<p>2. Water Quality &amp; Consumption</p>	<p><b>The "Water Framework Directive" (Directive 2000/60/EC), 23 October 2000</b></p> <ul style="list-style-type: none"> <li>• <i>Scope of the legislation:</i> <ul style="list-style-type: none"> <li>- The purpose of this Directive is to establish a framework for the protection of inland surface waters, transitional waters, coastal waters and groundwater.</li> <li>- Suppliers will have to take this law into account as they have to ensure their plant respect the local soils and waters.</li> </ul> </li> <li>• <i>Key points for suppliers:</i> <ul style="list-style-type: none"> <li>- Member States shall ensure that all discharges into surface waters are controlled according to the combined approach.</li> <li>- Company's obligations                 <ul style="list-style-type: none"> <li>o If you have more than 50 litres of liquid hazardous products and/or waste in your workshop, you must absolutely store them above a watertight holding tank. The capacity of this tank must be equal to the quantity stored. In the event of a punctured container or accidental spillage, all the liquids will not drain into the sewers but into the bin, from where they can then be removed without causing pollution.</li> <li>o The community may require body repairers to install a sludge/oil removal bin to prevent oil or other specific pollutants from entering the sewer system. Such an installation is mandatory especially when the company frequently washes vehicles or even has a car wash.</li> </ul> </li> <li>- Company's prohibition                 <ul style="list-style-type: none"> <li>o It is forbidden to throw hazardous products and/or waste into the sewer or the natural environment. This applies to all substances: solid, liquid and gaseous.</li> <li>o Some products seriously disrupt the operation of treatment plants. These installations are not equipped to purify products such as solvents and paints. These pollutants are therefore not treated and end up in watercourses at the outlet of the treatment plant. So be careful with discharges of hydrocarbons, brake fluids, drain oils, etc.</li> </ul> </li> </ul> </li> </ul>	<p>The French legislation on water quality and consumption sets a regulatory framework for limiting harm on water basins and groundwaters.</p> <p>Through the restriction and control of polluting activities on soil and aquatic environments, it sets regulations for suppliers seating on sensitive land and sourcing water from sensitive sites.</p> <p>Although these laws are not specific to the automotive industry, they are <u>equally strict</u> as the Guiding Principles and Practical Guidance.</p>

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- It is also prohibited to discharge the company's waste water into the sewer system or the natural environment without authorization from the competent authority.
- It is forbidden to wash vehicles or to carry out an emptying operation near a watercourse or a lost well.

Source: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02000L0060-20141120&qid=1485799311727&from=EN>

### **Code de l'environnement, article L211-1 à 4 and article L541-2**

- *Scope of the legislation:*
  - In France, the environmental code brings together legal texts relating to environmental law.
- *Key points for suppliers:*
  - Article L211-1: No product, solid or liquid substance may be discharged into surface or ground water.
  - Article L541-2 : Any person who produces or holds hazardous waste under conditions liable to produce harmful effects on soil, flora and fauna, to degrade sites or landscapes, to pollute the Air or water, to generate noise and odours and, in general, to harm human health and the environment, shall be required to dispose of it or have it disposed of under conditions which prevent such effects.

Source: <http://www.cnidep.com/reglementation92.html>

### **The Law on Water and Aquatic Environments, 30 December 2006**

- *Scope of the legislation:*
  - The Water Act of 30 December 2006 incorporates the principles affirmed in the 1992 Act.
  - This Law on Water and Aquatic Environments is a French law transposing the European Water Framework Directive of October 2000 in order to achieve its objectives of water and groundwater protection.
- *Key points for suppliers:*
  - It proposes implementing action plans containing anti-diffuse pollution measures.
  - It also encourages the use of non-harmful techniques and that in order to allow migratory fish to move freely and natural riverbed movements to take place.
  - It increases the jurisdiction of local areas in terms of supervising and renovating non-collective sanitation systems and connections to the networks, as well as supervising discharge into the networks.
  - The law gives local areas the resources to improve the management of runoff through the implementation of a specific local tax, and it establishes a tax credit for collecting rainwater.
  - In each new build, a cold-water meter will be installed in every apartment, as well as a meter in the common areas.

## Expectations towards suppliers as defined in the Guiding Principles and local legislation

Source: <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000649171>

### ICPE or Facilities classified for Environmental Protection, 19 juillet 1976

- *Scope of the legislation:*
  - The law defines and frames in a relatively precise manner the procedures related to the ICPEs and the way in which these facilities must be managed, in order to reduce the risks and impacts related to these facilities and to assess their technological hazards.
- *Key points for suppliers:*
  - The deep geological underground storage of hazardous products of any kind is subject to administrative authorisation.
  - The implementation, in certain categories of classified installations, of substances, products, organisms or manufacturing processes may, for the application of Community directives on environmental protection, be subject to approval.
  - Depending on the sites used, limitations or prohibition of changes in the state of the soil or subsoil.

Source:

<https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000684771&categorieLien=cid>

<p>3. Air Quality</p>	<p><b>a. Provisions applicable to outside air quality:</b></p> <ul style="list-style-type: none"> <li>• <i>Scope of the legislation:</i> A series of text is applicable here, either to monitor the quality of air by fixing limit values and quality objectives for atmospheric pollutants (SO<sub>2</sub>, O<sub>3</sub>, NO<sub>2</sub>, PM<sub>10</sub>, PM<sub>2.5</sub>, C<sub>6</sub>H<sub>6</sub>, CO, Pb, Ni, Cd, BaP):             <ul style="list-style-type: none"> <li>- <b>Directive 2008/50/CE and 2004/107/CE</b></li> <li>- <b>French Surveillance Order of 19 April 2017</b></li> <li>- <b>French Emergency Measure Order of 7 April 2016 (modified 26 August 2016)</b></li> </ul> </li> </ul> <p>Or to reduce emissions of atmospheric pollutants (Sox, NO<sub>x</sub>, NH<sub>3</sub>, COVNM, PM<sub>2.5</sub>), via sectoral values and associated measures:</p> <ul style="list-style-type: none"> <li>- <b>Göteborg Protocol (CEE-NU, 2012)</b></li> <li>- <b>Directive 2016/2284 on the reduction of national emissions of certain atmospheric pollutants</b></li> <li>- <b>Directive 2010/75/UE on industrial emissions</b></li> <li>- <b>French Order PREPA of 10 May 2017</b> (national plan to reduce atmospheric pollutants)</li> </ul> <ul style="list-style-type: none"> <li>• <i>Key points for suppliers:</i> <ul style="list-style-type: none"> <li>- The second set of regulations is of more direct impact for companies, especially Directive 2010/75 (also called IED directive). The IED Directive aims to ensure that industrial emissions are dealt with in an integrated manner and kept to a minimum. The installations concerned must</li> </ul> </li> </ul>	<p>The French legislation on air quality consumption sets a regulatory framework for the circulation of high-emitting vehicles and incentivizes users to reduce their carbon footprint. It also implements and complements, where needed, stringent European regulations. However, it is <u>less strict</u> than the Guiding Principles and Practical Guidance as it does not target specific vehicle equipment that would participate in the reduction of emission.</p>
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## Expectations towards suppliers as defined in the Guiding Principles and local legislation

obtain authorizations issued by the national authorities on the basis of conditions based on best available techniques (BAT). The directive is being evaluated at the moment and could be revised in the coming years.

### b. Provisions applicable to inside air quality:

The Ministries of the Environment and of Health launched the **Indoor Air Quality Action Plan in 2013**. The Indoor Air Quality Action Plan is integrated into the **third National Environmental Health Plan**. This plan provides for short, medium- and long-term actions to improve the air quality in confined spaces, including the publication of guide values for indoor air. As a reminder, a **guide value for indoor air** defines a concentration level of pollutants in indoor air in order to avoid, prevent or reduce harmful effects on human health. It must be reached, as far as possible, within a given period. Decree 2011-1727 of December 2, 2011 provides such values for formaldehyde and benzene.

The **Chemical Agents directive 98/24/EC, Carcinogenic and Mutagenic Substances directive 2004/37/EC and Asbestos Directive 2000/148/CE**, all transposed into French law, also provide binding and/or recommended exposure values to chemicals. These obligations should be read in conjunction with health and safety provisions described above.

### c. Other texts of broader interest for air quality:

#### **Decree No. 2011-321 of 23 March 2011 on the labelling of construction products or wall or floor coverings and paints and varnishes on their emissions of volatile pollutants**

- *Scope of the legislation:*
  - Decree no. 2011-321 of 23 March 2011 "relating to the labelling of construction products or wall or floor coverings and paints and varnishes on their emissions of volatile pollutants", requires manufacturers, importers, distributors of construction and decoration products, construction companies, purchasers of such products, "to indicate on a label, placed on the product or its packaging, its emission characteristics, once implemented, in volatile polluting substances".
- *Key points for suppliers:*
  - Labelling aims to provide transparent information to the consumer on the emission levels of substances associated with these products. The label makes it possible to indicate in a simple and legible manner the level of volatile pollutant emissions from the product. This emission level is indicated by a class ranging from A+ (best class) to C. Four classes are proposed based on the emissions evaluated for 11 parameters: 10 individual VOCs and one total volatile organic compounds (TVOC) indicator.

Source :  
<https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000023759679&categorieLien=id>

**Vignettes Crit'Air**

## Expectations towards suppliers as defined in the Guiding Principles and local legislation

	<ul style="list-style-type: none"> <li>• <i>Scope of the legislation:</i> <ul style="list-style-type: none"> <li>- The air quality certificate enables the State or local authorities to modulate the devices applicable to vehicles, traffic and parking conditions, in order to encourage the use of the least polluting vehicles and to reduce air pollution and its impact on the health of the population. Like <b>EU regulations on CO2 emissions in the automotive industry: Regulation EC 443/2009</b>, its impact will be felt in terms of industrial strategy and therefore business (more than on a day to day operations).</li> </ul> </li> <li>• <i>Key points for suppliers:</i> <ul style="list-style-type: none"> <li>- Vehicles are divided into 6 environmental classes, with the exception of the most polluting vehicles, which are unclassified and are not entitled to the air</li> </ul> </li> </ul>	
<p>4. Natural Resources Management and Waste Reduction</p>	<p><b>The Anti-Waste Law for a Circular Economy (Loi n° 2020-105), 10 February 2020</b></p> <ul style="list-style-type: none"> <li>• <i>Scope of the legislation:</i> <ul style="list-style-type: none"> <li>- It charts a path for rapid progress towards the ambitious goals of the Climate Plan in matters relating to the circular economy: phasing out of disposable plastic, better informing consumers, fighting against waste and for solidarity reuse, acting against planned obsolescence, better production</li> <li>- Equipment manufacturers will have to take this law into account as they have to ensure the safe disposal of industrial waste.</li> </ul> </li> <li>• <i>Key points for suppliers:</i> <ul style="list-style-type: none"> <li>- There are expanded obligations for producers in relation to waste management:                             <ul style="list-style-type: none"> <li>- New Extended Producer Responsibility (EPR) schemes for vehicles are created: motor vehicles including two- and three-wheel vehicles and quadricycles' producers will have to ensure the recovery of these vehicles throughout the country, from the 1st of January 2022.</li> <li>- The car industry will not be significantly affected by the single-use plastics ban in its core business operations (i.e. car manufacturing) but rather in its internal day-to-day operations (distribution of free plastics bottles inside companies will no longer be allowed after 2022) and interactions with customers. Possible stricter obligations for incorporating recycled plastics cannot be discarded.</li> </ul> </li> <li>- A 'product lifetime score' to be displayed on some products is to be introduced. Professional vendors (producers and importers) are encouraged to provide certain information to consumers about its products: durability, possibilities for reuse, presence of hazardous substances, etc.</li> <li>- Waste collection rules are to be harmonized. The government will issue regulations aimed at harmonising waste collection practices (colours of bins, etc.).</li> <li>- New criminal sanctions will be applied for planned obsolescence tactics.</li> </ul> </li> </ul> <p><i>Source:</i>  <a href="https://www.legifrance.gouv.fr/eli/loi/2020/2/10/TREP1902395L/jo/texte#JORFARTI000041553766">https://www.legifrance.gouv.fr/eli/loi/2020/2/10/TREP1902395L/jo/texte#JORFARTI000041553766</a></p> <p>Finally, the <b>French waste prevention plan 2014 – 2020</b> requires companies to at least stabilize their production of wastes. It is complemented by the <b>Decree No. 2016-288</b> of March 10, 2016 that requires producers and holders of waste (companies, businesses, administrations, etc.) to sort at source 5 waste streams:</p>	<p>The French legislation covers a wider scope than the Guiding Principles and the Practical Guidance. The French Anti-Waste law set more specific measures for companies, such as waste collection, phasing out plastics, or planned obsolescence sanctions. Therefore, the French legislation is (at least) <u>equally strict</u> to the Guiding Principles.</p>

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	<ul style="list-style-type: none"> <li>• cardboard,</li> <li>• metal,</li> <li>• plastic,</li> <li>• glass</li> <li>• wood,</li> </ul> <p>in order to promote the development of these materials.</p>	
<p>5. Responsible Chemical Management</p>	<p><b>Regulation n°1907/2006 Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), 2007</b></p> <ul style="list-style-type: none"> <li>• <i>Scope of the legislation:</i> <ul style="list-style-type: none"> <li>- European regulation (n°1907/2006) came into force in 2007 to secure and provide a legislative framework for the manufacture and use of chemical substances in European industry.</li> </ul> </li> <li>• <i>Key points for suppliers:</i> <ul style="list-style-type: none"> <li>- In order to list substances and control their risks, companies must now register chemical substances manufactured in or imported into the European Union if these substances represent, on their own or in a mixture, a quantity of more than 1 tonne per year.</li> <li>- Companies must identify and manage the risks associated with the substances they manufacture and market in the EU. They must demonstrate how to use their products safely and inform users of any risk management measures to be taken to ensure safe operation throughout the supply chain.</li> <li>- National authorities may restrict the manufacture or use of certain substances if they consider that risk management is not appropriate.</li> <li>- This legislation aims to replace the most dangerous substances with safer alternatives, where they exist.</li> <li>- Safety Data Sheets (SDS) – art. 31 of REACH - are of particular importance for companies as they:                             <ul style="list-style-type: none"> <li>○ Describe hazards to which employees are exposed</li> <li>○ Provide safety measures and indications in terms of manipulation and gears to wear (so called exposure scenarios)</li> <li>○ Are accessible (and must always be) to employees, in their own national language</li> <li>○ Are the first elements that will be checked in case of control by local authorities</li> </ul> </li> </ul> </li> </ul> <p>Source: <a href="https://eur-lex.europa.eu/legal-content/FR/TXT/?uri=celex:32006R1907R(01)">https://eur-lex.europa.eu/legal-content/FR/TXT/?uri=celex:32006R1907R(01)</a></p> <p><b>Article R. 4411-73 of the Labour Code</b></p> <ul style="list-style-type: none"> <li>• <i>Scope of the legislation:</i> <ul style="list-style-type: none"> <li>- As an identity card for the product (substance, mixture), the SDS (Fiche de Données de Sécurité) provides a significant amount of information on the health and environmental hazards related to the use of the product and some of its components, indications on the means of protection and the measures to be taken in case of emergency. The FDS is an essential element of the system</li> </ul> </li> </ul>	<p>The French legislation responsible chemical management sets a regulatory framework for a sustainable sourcing and handling of chemical materials. As this set of laws commits firms to register, evaluate and report their chemical management, they are <u>equally strict</u> to the Guiding Principles and Practical Guidance.</p>

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of chemical risk prevention and communication over the entire duration of use of substances or mixtures.

- *Key points for suppliers:*
  - Based on the SDS, the company manager can draw up workstation sheets, draw up written instructions for implementation, inform the personnel concerned about the risks and train them in correct and safe use. The identification and assessment of exposure risks makes it possible to establish internal rules for the protection of personnel.
  - Transmitted by the head of the company to the occupational physician, the SDS provides the latter with a more complete knowledge of the products handled and the nature of the associated risks, thus ensuring appropriate medical surveillance of employees.

Source:

<https://www.legifrance.gouv.fr/affichCodeArticle.do?idArticle=LEGIARTI000025739718&cidTexte=LEGITEXT000006072050&dateTexte=20120422>

### **SEVESO**

- *Scope of the legislation:*
  - Initially adopted in 1982, the SEVESO European law has been revised twice, the last version dating from 4<sup>th</sup> July 2012.
  - Directive 2012/18/EU of 4 July 2012, known as the SEVESO 3 Directive on major accidents involving dangerous substances, was thus adopted and published on 24 July 2012 in the Official Journal of the European Union, effective on June 1<sup>st</sup>, 2015.
  - This regulation establishes new methods for classifying substances and creates new hazard names.
- *Key points for suppliers:*
  - The security measures and procedures provided for in the Directive vary according to the type of establishment (high or low threshold), in order to consider a certain degree of proportionality.
  - It assists manufacturers in determining the Seveso status of an establishment based on the data entered by the user and enables them to carry out a reevaluation if it appears that the establishment has Seveso High or Seveso Low status (data entry is the responsibility of the user).
  - The census of establishments with Seveso status is compulsory in accordance with Decree 2014-284 of 3 March 2014.

Source: <https://eur-lex.europa.eu/legal-content/FR/TXT/HTML/?uri=CELEX:32012L0018>

### **ICPE or Facilities classified for Environmental Protection, 19 juillet 1976**

- Scope of the legislation:

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- The law defines and frames in a relatively precise manner the procedures related to the ICPEs and the way in which these facilities must be managed, in order to reduce the risks and impacts related to these facilities and to assess their technological hazards.
- Equipment manufacturers will have to take this law into account as it will impact the production towards low-emission vehicles.
- Key points for suppliers:
  - The sites of automotive producers or suppliers may use hazardous substances and potentially polluting processes. As such, like 500,000 installations in France, they are subject to the regulations for installations classified for environmental protection (ICPE).
  - The assembly of vehicles may involve for example the use of substances that may be flammable or toxic, refrigerants used in air conditioners, or gas generators, etc.
  - Installations classifiable under one or other of these headings are subject to a more or less strict regime depending on whether the various classification thresholds are met: declaration, registration or authorisation.
    - The facilities at an automotive site generally meet the permit threshold for one or other of the applicable headings, which has the effect of legally placing the entire site under the permit regime and under BPI regulations.
  - The commissioning of such a site requires an application for a prefectural authorization, the examination of which includes an environmental impact study, a hazard study and a public inquiry.
  - The prefectural decree of authorization granted to the operator is accompanied by detailed regulations on safety, discharges into the air and water, pollution, noise, etc. The decree also provides for the establishment of a system for the management of the site. In addition, the operator must comply with the general requirements made applicable by ministerial orders to the various headings.

Source:

<https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000684771&categorieLien=cid>