

Joint response by VBT, Belgapom and Fresh Trade Belgium to TRIS notification nr.2023/0701/BE on the Draft Order of the Walloon Government amending the Order of the Walloon Government of 6 July 2017 on plastic bags

29-01-2024

VBT represents the cooperatives of fruits and vegetables in Belgium.

Belgapom represents the packers of ware potatoes in Belgium.

Fresh Trade Belgium represents the wholesalers, importers, exporters active in the Belgian fruit and vegetable sector.

The associations see a large impact of article 4 of the draft order on the functioning of the internal market:

Article 4, -: *From 1 January 2025, the use of any primary single-use plastic primary packaging, around unprocessed fruits and vegetables in retail premises and spaces shall be prohibited as part of any contractual relationship or offer to contract between:*

(1) traders, including their agents and subcontractors; and

(2) customers or consumers.

By way of derogation from subparagraph 1, the prohibition of use referred to shall not apply to the following unprocessed fruits and vegetables and, where applicable, under the following conditions:

(1) unprocessed aromatic herbs;

(2) organic unprocessed fruits and vegetables that are not identifiable in a manner different from that involving single-use plastic primary packaging, such as a label or laser engraving;

(3) unprocessed fruits and vegetables which present a risk of deterioration when sold in bulk: (a) broccoli;(b) mushrooms;(c) salad;(d) corn salad;(e) nursery plants;(f) spinach;(g) sorrel; (h) edible flowers;(i) cranberries;(j) blueberries;(k) winter cherries;(l) sprouted grains;(m) raspberries; (n) strawberries;(o) blueberries;(p) blackberries;(q) gooseberries;(r) wood sorrel;(s) blackcurrants;(t) kiwis."

The article pre-empts the upcoming Packaging and Packaging Waste Regulation of which the drafts are currently being discussed during the trilogues under the Belgian EU presidency. Article 22 and annex V of the legislative proposal by the Commission refers to a ban on single use plastic packaging for volumes < 1,5 kg fruit and vegetables unless there is a demonstrated need to avoid water loss or turgidity loss, microbial hazards or physical shocks. A list of exceptions can be determined by risk assessment.

As the trilogues on PPWR are actually taking place, the adoption of the draft order should already be postponed as required by art.6 of Directive (EU) 2015/1535 on TRIS. Furthermore, as in the end the Regulation will prevail it would be completely contra-productive to introduce temporary divergent measures at regional or national level as this will impact the functioning of the internal market. On a daily basis Belgian operators trade huge volumes of fresh produce with other Member States, a level playing field is a necessity to keep business feasible.

A switch to bulk or alternative packaging is a process that requires study, investments, trials ... which have to be done at a European harmonized level. Such process should be based on scientific harmonized risk assessments as in some cases plastic packaging still has advantages that outweigh the disadvantages of paper, sales of loose produce, ... In several cases plastic packaging has still a positive impact on food safety (*limiting microbial risks*), storage and quality (*asparagus tips, endives, beans, washed potatoes ...*) and the material is lighter than paper or cardboard (*more plastic packaging can be transported in 1 truck*). A decision on exemptions should be taken carefully and in a sustainable way, taking the long term perspective.

Fresh Trade Belgium, VBT and Belgapom insist on harmonized European rules and timelines as a basic condition for trade on the internal market. A complete alignment of the Belgian legislation with the European Regulation is a must for the sector of fruit, vegetables and potatoes.

Belgapom represents the potato trade and processing industry in Belgium

www.belgapom.be

contact person: Christophe Vermeulen – CEO



VBT represents the producers' cooperatives of fruits and vegetables in Belgium

www.vbt.eu

contact person: Luc Vanoirbeek – secretary general



Fresh Trade Belgium represents the traders of fruits and vegetables in Belgium.

www.freshtradebelgium.be

contact person: Veerle Van der Sypt – secretary general

