|  |
| --- |
| FRENCH REPUBLIC |
|  |  |  |
| Ministry of Ecological Transitionand Territorial Cohesion |
|  |  |  |
|  |  |  |

**Decree No. of**

 on the obligation to present unprocessed fresh fruit and vegetables for sale without packaging made entirely or partly of plastic

NOR:

***Target audiences:*** *retail outlets specialised or not specialised in the sale of fruit and vegetables in shops, stores and markets.*

***Subject:*** *conditions for the implementation of the obligation of presenting for sale unprocessed fresh fruit and vegetables without packaging made entirely or in part of plastic.*

***Entry into force:*** *the Decree enters into force the day after its publication.*

***Notice:*** *the Decree lays down the conditions for the implementation of the provision laid down in the Law of 10 February 2020 on the fight against waste and on the circular economy, which provides that all retail businesses shall present for sale unprocessed fruit and vegetables without plastic packaging.*

*It specifies that the provision applies to unprocessed fresh fruit and vegetables, that is to say, fruit and vegetables sold in their original state or having been subjected to preparation such as cleaning, trimming, draining or drying.*

*It also specifies the definition of plastic packaging. It provides a list of fresh fruit and vegetables not subject to this obligation, as they present a risk of deterioration when sold in bulk.*

***References:*** *the Environmental Code modified by the Decree can be consulted, in its draft resulting from this amendment, on the Légifrance website (https://legifrance.gouv.fr).*

**The Prime Minister,**

On the report of the Minister of Ecological Transition and Territorial Cohesion,

Having regard to Commission Implementing Regulation (EU) No 543/2011 of 7 June 2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors;

Having regard to Regulation (EU) No 1333/2011 of 19 December 2011 laying down marketing standards for bananas, rules on the verification of compliance with those marketing standards and requirements for notifications in the banana sector;

Having regard to Law No 2020-105 of 10 February 2020 on the fight against waste and on the circular economy, in particular Article 77 thereof;

Having regard to the Environmental Code, in particular Article L. 541-15-10 thereof;

Having regard to Decree No 55-1126 of 19 August 1955 implementing Article L. 214-1 of the Consumer Code as regards trade in fruit and vegetables;

Having regard to the comments made during the public consultation carried out between XX December 2022 and XX January 2023, pursuant to Article L. 123-19-1 of the Environmental Code,

**Hereby decrees:**

**Article 1**

Section 10 of Chapter I of Title IV of Book V of the regulatory part of the Environmental Code is supplemented by Article D. 541-334 as follows:

*‘Article D. 541-334. – I.* – For the purposes of paragraph 16 of III of Article L. 541-15-10, the following definitions shall apply:

1. ‘Fruits and vegetables’: plants or parts thereof, such as stems, roots, tubers, leaves, fruits, seeds, which are intended for human consumption, and edible mushrooms;

2. ‘Unprocessed fresh fruit and vegetables’: fresh fruits and vegetables, the preparation of which is in accordance with the following limits:

– marketing standards as referred to in Regulation (EC) No 543/2011 of 7 June 2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors;

– marketing standards as referred to in Commission Implementing Regulation (EU) No 1333/2011 of 19 December 2011 laying down marketing standards for bananas, rules on the verification of compliance with those marketing standards and requirements for notifications in the banana sector;

– orders adopted pursuant to Article 4 of Decree No 55-1126 of 19 August 1955 implementing Article L. 214-1 of the Consumer Code as regards trade in fruit and vegetables;

3. ‘Packaging’: a receptacle, outer cover or closing device, covering the fruit and vegetables in whole or in part to constitute a unit of sale to the consumer and to ensure its presentation at the point of sale;

4. ‘Plastic material’: material as defined in Article D. 541-330 of the Environmental Code.

II. – The fruit and vegetables presenting a risk of deterioration when sold in bulk referred to in the second sentence of the paragraph 16 of III of Article L. 541-15-10 are:

- lamb’s lettuce, young shoots, aromatic herbs, edible flowers, mung bean sprouts;

- sprouted seeds;

- ripe fruit;

- cranberries, lingonberries, physalis, and blueberries, raspberries, strawberries, blackberries, currants, elderberries, gooseberries and currants, blackcurrants and kiwis;

 - endives;

- mushrooms;

- small carrots;

- spinach and sorrel.’

**Article 2**

In order to allow the disposal of packaging stocks the following fruit and vegetables may be displayed for sale in packaging made entirely or in part of plastic material until 31 December 2023:

* ribbed tomatoes, elongated heart-shaped tomatoes, cherry or cocktail tomatoes (miniature varieties);
* asparagus;
* broccoli;
* early potatoes and early carrots;
* salad;
* early onions;
* early turnips;
* Brussels sprouts,
* green beans;
* cherries;
* grapes;
* peaches, nectarines, and apricots.

**Article 3**

The Minister of the Economy, Finance, and Industrial and Digital Sovereignty, the Minister of the Agriculture and Food Sovereignty, the Minister of the Ecological Transition and Territorial Cohesion and the Secretary of State to the Minister of the Ecological Transition and Territorial Cohesion, responsible for ecology, are responsible, each with regard to what concerns them, for the implementation of this Decree, which will be published in the *Official Journal* of the French Republic.

Done on