

TRIS Notification 2021/149/F (France)

U.S. Comments on France's Draft Decree on the Obligation to Present for Sale fresh unprocessed fruits and vegetables without packaging made up entirely or in part of plastic.

The United States appreciates France's willingness to consider stakeholder input on which fruits and vegetables should be excluded from plastic packaging restrictions due to "risk of deterioration when sold in bulk". This draft decree outlines the exemptions provided for in Act 10 of Article 77 of France Law "Regarding a circular economy and the fight against waste." Specifically, the draft decree provides a list of fresh fruit and vegetables that would be exempt for a period from this obligation given they present a risk of deterioration when sold in bulk.

The United States understands that according to the draft decree text as written, cherries and cranberries would remain exempt until December 31, 2024. We ask that cherries and cranberries instead be included in the exemption for "Raspberries, strawberries, blueberries, blackberries, currants, and hard kiwis, until June 30, 2026," as these products are packaged similarly to avoid bruising and deterioration and we expect the time needed for development of alternative non-plastic packaging would apply to these products equally. Specifically, we note that cherries and cranberries are commonly packaged for the consumer in plastic clamshells like that of raspberries, strawberries, blueberries, and blackberries. Additionally, the shelf life for cherries and cranberries is similar to that of raspberries, strawberries, blueberries, and blackberries that are proposed for exemption until June 30, 2026.

Further, the United States asks that any exemption be re-evaluated prior to phase-out as appropriate for availability of alternatives and to limit barriers to trade. We ask that any decision on plastic packaging fully consider effects on food waste and security and we thank France for the consideration of these comments.