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| FRENCH REPUBLIC |
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| Ministry of Ecological Transition |
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Decree No. of

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

NOR: [TREP2106919D]

*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 present for sale unprocessed fresh fruit and vegetables without packagings made entirely or partly of plastic.*

*Entry into force: the decree comes into force after its publication, and specifies deadlines for certain categories of fruit and vegetables for exemption from this obligation between 2023 and 2026.*

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

*It clarifies the scope of this obligation. 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, as amended by this Decree, may be consulted on the Légifrance website (*[*https://www.legifrance.gouv.fr*](https://www.legifrance.gouv.fr)*).*

The Prime Minister,

On the report by the Minister for the Ecological Transition;

Having regard to Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (codified text), and in particular Notification No xxx;

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

Having regard to the Environmental Code, in particular Article L541-15-10 thereof;

Having regard to the observations made during the public consultation carried out between xxx and xxx, in accordance with Article L123-19-1 of the Environmental Code,

**Article 1**

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

“I. – For the purposes of the 16th paragraph 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 fungi;

2. "Fruits and unprocessed fresh vegetables": fruit and vegetables in the raw state or which have undergone a preparation such as cleaning, draining, trimming, drying;

 3. "Conditioning": 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 following fruits and vegetables are exempted from the obligation referred to in the first sentence of the 16th paragraph of III of Article L. 541-15-10, and in accordance with the second sentence of that paragraph, the following fruits and vegetables presenting a risk of deterioration when sold in bulk:

 1. Ribbed tomatoes, elongated tomatoes under the category “heart tomatoes”, cherry tomatoes, early onions, early turnips, Brussels sprouts, green beans, grapes, peaches, nectarines, and apricots, until 30 June 2023;

2. Endives, asparagus, broccoli, mushrooms, early potatoes, early carrots and baby carrots, until 31 December 2024;

3. Salad, corn salad, young lettuce, aromatic herbs, spinach, seedlings, edible flowers, bean sprouts, until 31 December 2024;

4. Cherries, cranberries, lingonberries and physalis, until 31 December 2024;

5. Ripe fruit, i.e. fruit harvested at full maturity, with their retail packaging so indicating, until 30 June 2026;

6. Sprouted seeds, until 30 June 2026;

7. Raspberries, strawberries, blueberries, blackberries, currants, and hard kiwis, until June 30, 2026. ”

**Article 2**

The Minister of Ecological Transition, the Minister of Economy, Finance and Recovery and the Minister of Agriculture and Food are responsible, each according to their interest, for the execution of this decree, which will be published in the *Journal Officiel* (Official Gazette) of the French Republic.

Prepared on