



EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs

Single Market Enforcement

Notification of Regulatory Barriers

Notification Number : 2022/0863/F (France)

Decree on the obligation to offer for sale unprocessed fresh fruit and vegetables without packaging made entirely or in part of plastic

Date received : 14/12/2022

End of Standstill : 15/03/2023 (15/12/2023) (closed)

Message

Message 002

Communication from the Commission - TRIS/(2022) 04452

Directive (EU) 2015/1535

Translation of the message 001

Notification: 2022/0863/F

No abre el plazo - Nezahajuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késések - Ma' jiftaħ il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist - He ce предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 202204452.EN)

1. MSG 002 IND 2022 0863 F EN 14-12-2022 F NOTIF

2. F

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4. 2022/0863/F - C50A

5. Decree on the obligation to offer for sale unprocessed fresh fruit and vegetables without packaging made entirely or in part of plastic

6. Sale of fruit and vegetables in stores, stalls and markets

7. -



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8. The Law on Combating Waste and on the Circular Economy of 10 February 2020 provides that retail outlets displaying unprocessed fresh fruit and vegetables for sale will be required, as from 1 January 2022, to offer them for sale without plastic packaging (Article 77 of that Law). The Law also specifies that this obligation does not apply to fruit and vegetables packaged in batches of 1.5 kilograms or more and to fruit and vegetables presenting a risk of deterioration when sold in bulk, the list of which is fixed by decree.

The Draft Decree defines the list of fruit and vegetables presenting a risk of deterioration when sold in bulk that are exempt from this obligation.

9. In order to accompany manufacturers in the implementation of the ban on displaying for sale unprocessed fresh fruit and vegetables in plastic packaging, the French Government adopted Decree No 2021-1318 of 8 October 2021 which provided for the progressive entry into force between 2022 and 2026 of these prohibitions for the fruit and vegetables most susceptible to deterioration.

This Decree was the subject of notification No 2021/149/F under 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. It was therefore not the subject of a detailed opinion.

The French Council of State has received a number of legal proceedings challenging the Decree and annulled it on 9 December 2022 (Decisions No 458440, 459332, 459387, 459398 of 9 December 2022), considering that French law did not permit the progressive entry into force of those prohibitions.

Therefore, the Draft Decree which is the subject of this notification amounts to modifying the dates of progressive entry into force applicable to certain fruit and vegetables covered by Decree No 2021-1318 of 8 October 2021, in accordance with the decision of the French Council of State.

10. References to basic texts: — Paragraph 16 of III of Article L. 541-15-10 of the Environmental Code.

11. No

12. -

13. No

14. No

15. -

16. TBT aspect

Yes

SPS aspect

No - The draft is not a sanitary or phytosanitary measure.

European Commission

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