

9 May 2025

Freshfel Europe's response to TRIS No: 2025/0080/LU on packaging for fresh fruits and vegetables.

Freshfel Europe, the representative association for the fresh fruit and vegetable sector in Europe, with members from across the supply chain, are responding to TRIS Notification Number [2025/0080/LU](#) on 'Draft Law amending the amended Law of 21 March 2012 on waste; the amended Law of 21 March 2017 on packaging and packaging waste; the Law of 9 June 2022 on the reduction of the impact of certain plastic products', hereafter the 'Draft law'.

Freshfel Europe alerts that the Draft law constitutes a significant trade barrier and unnecessary complexity in the Single Market. It includes disproportionate provisions for the fresh produce sector and pre-empts the implementation of European legislation. Restricting fresh produce packaging on a national level is not a legal requirement under EU legislation and departs from already adopted EU laws.

The Draft law and the preceding [Law of 9 June 2022](#) cause disruptions and barriers on the Single Market, effectively increase food waste and packaging waste, and are unaligned with EU legislation.

The Draft law pre-empts the EU Regulation on Packaging and Packaging Waste (PPWR), which was published on 22 January 2025 and is currently being implemented. In Article 25 and Annex V of the PPWR plastic packaging of 'unprocessed fresh fruits and vegetables' is already addressed and will have an EU-wide implementation. As per its Article 70(4), national provisions concerning packaging in the same material and format as in point 2 of Annex V must align with the PPWR requirements by 1 January 2030. This means that by 2030, Luxembourgish operators will have to conform to European legislation. By introducing changing national restrictions now, Luxembourg is pre-empting the PPWR, causing market confusion and instability, and disincentivising long-term investments in sustainable packaging solutions for fruits and vegetables. Furthermore, Article 4(3) of the PPWR states that Member States should not maintain or introduce requirements in conflict with those laid down in the PPWR.

The sector welcomes and encourages the harmonisation of packaging legislation on the Single Market to avoid negative indirect consequences caused by diverging legislation. This includes, but is not limited to, increased food waste (going against the upcoming [food waste reduction targets](#)), reduced consumption leading to poorer public health and a weakened workforce, and unnecessary packaging waste, which backfires on the original intent. In addition, restricting plastic packaging for fruits and vegetables is a misguided intervention since the sector only accounts for 1,5% of all food packaging at the retail level. The risks of increased food waste due to inadequate packaging far outweigh the environmental impact of a small reduction in plastic packaging used at the retail level.

Freshfel Europe has already communicated these risks to the European Commission's Director for Single Market Enforcement, the Luxembourgish Ministry of Economy and the Luxembourgish Ministry of Environment, Climate and Sustainable Development in June 2023 when the law of 9 June 2022 came into force.

These risks have also been identified by other Member States, as similar legislation is on hold in Belgium and Spain, awaiting the implementation of the PPWR. In France, the Royal Decree on Article 77, which stated a restriction very similar to the one now proposed by the Luxembourgish draft law, has been annulled.

Freshfel Europe advises refraining from introducing national restrictions on packaging for fruits and vegetables and awaiting the final PPWR guidelines on this matter, prioritising harmonised EU legislation in order to avoid trade barriers on the Single Market.

We remain at your disposal.