

Joint response by VBT, Belgapom and Fresh Trade Belgium to TRIS notification nr. 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

VBT represents the producers' cooperatives of fruits and vegetables in Belgium.
Belgapom represents the packers of ware potatoes in Belgium.
Fresh Trade Belgium represents the wholesalers, importers, and exporters active in the Belgian fruit and vegetable sector.

The associations see a large impact of **Chapitre 3 – Art. 31 and Art. 35** of the draft law on the functioning of the internal market.

Chapitre 3 - Modifications de la loi du 9 juin 2022 relative à la réduction de l'incidence de certains produits en plastique sur l'environnement

Art. 31. *L'article 5, alinéa 2, de la même loi est remplacé par les dispositions suivantes :*
« *Tout commerce de détail exposant à la vente les fruits et légumes frais non transformés est tenu de les exposer sans conditionnement composé pour tout ou partie de matière plastique. Cette obligation n'est pas applicable aux fruits et légumes conditionnés par lots de 1,5 kilogramme ou plus, ainsi qu'aux fruits et légumes repris à l'annexe II. Afin de permettre l'écoulement des stocks d'emballages, les fruits et légumes peuvent être exposés à la vente avec un conditionnement composé pour tout ou partie de matière plastique jusqu'au 31 décembre 2025.* »

Art. 35. *L'annexe II de la même loi est remplacée comme suit :*
« *Annexe II*
Sont exemptés de l'obligation mentionnée à l'article 5, alinéa 2, les fruits et légumes présentant un risque de détérioration à la vente en vrac suivants :
1° *Les endives, les asperges, les brocolis, les champignons, les pommes de terre primeur, les carottes primeur et les petites carottes ;*
2° *La salade, la mâche, les jeunes pousses, les herbes aromatiques, les épinards, l'oseille, les fleurs comestibles, les pousses de haricot mungo ;*
3° *Les cerises, les canneberges, les airelles et les physalis ;*
4° *Les fruits mûrs à point, c'est-à-dire les fruits vendus au consommateur final à pleine maturité, et dont l'emballage présenté à la vente indique une telle mention ;*
5° *Les graines germées ;*
6° *Les framboises, les fraises, les myrtilles, les mûres, les groseilles, la surelle, la surette et la groseille pays, les cassis et les kiwis.*

With the Packaging and Packaging Waste Regulation (PPWR, Regulation (EU) 2025/40) of 19.12.2024 the European Union sets a common approach to plastic packaging for fruit and vegetables, namely in Art. 25 and Annex V.

Article 25 - Restrictions on use of certain packaging formats

- 1. From 1 January 2030, economic operators shall not place on the market packaging in the formats and for the uses listed in Annex V.*
- 2. By way of derogation from Article 4(2), Member States may maintain restrictions adopted before 1 January 2025 on the placing on the market of packaging in the formats and for the uses listed in Annex V but made from materials not listed in Annex V.*
- 3. Paragraph 1 of this Article shall be without prejudice to Article 9(2), point (b).*
- 4. By way of derogation from paragraph 1 of this Article, Member States may allow micro-enterprises as defined in Recommendation 2003/361/EC as applicable on 11 February 2025 to place on the market packaging in the formats and for the uses listed in point 3 of Annex V to this Regulation where it has been demonstrated that it is not technically feasible not to use such packaging or to obtain access to infrastructure that is necessary for the functioning of a re-use system.*

5. By 12 February 2032, the Commission shall assess the positive environmental impact of the restrictions and derogations and exemptions from these restrictions, and shall take into account the availability of alternative packaging solutions that meet safety and hygiene requirements applicable to contact-sensitive packaging. On the basis of that assessment, the Commission shall, with the objective of reducing packaging waste, review this Article and Annex V to adapt them to technical and scientific progress. On the basis of that review, the Commission shall assess the appropriateness of establishing new restrictions on the use of specific packaging formats and the relevance of maintaining the derogations and exemptions set out in this Article, and, where appropriate, shall present a legislative proposal.

6. By 12 February 2027, the Commission shall publish guidelines, in consultation with Member States and the European Food Safety Authority, which explain Annex V in more detail, including examples of the packaging formats in scope, and any exemptions from the restrictions, and provide a non-exhaustive list of fruits and vegetables that are excluded from point 2 of Annex V.

ANNEX V

Restrictions on use of packaging formats

	Packaging format	Restricted use	Illustrative example
1.	Single-use plastic grouped packaging	Single-use plastic packaging used at the point of sale to group goods sold in bottles, cans, tins, pots, tubs, and packets designed as convenience packaging to enable or encourage consumers to purchase more than one product. This excludes grouped packaging necessary to facilitate handling.	Collation films, shrink wrap
2.	Single-use plastic packaging for unprocessed fresh fruit and vegetables	Single-use plastic packaging for less than 1,5 kg pre-packed fresh fruit and vegetables. Member States may set up exemptions in respect of this restriction if there is a demonstrated need to avoid water loss, or turgidity loss, microbiological hazards or physical shocks, oxidation, or if there is no other possibility to avoid commingling of organic fruits and vegetables with non-organic fruits and vegetables in compliance with requirements in Regulation (EU) 2018/848 of the European Parliament and of the Council (1) on certification or labelling, without entailing disproportionate economic and administrative costs.	Nets, bags, trays, containers

The TRIS notification was made during the period of ongoing negotiations at EU level about the PPWR, and includes proposals on a similar scope as the PPWR.

The current legislation of Luxembourg as well as the draft might conflict with the stipulations of the PPWR Art. 25 point 2.

The PPWR (Art. 25 point 6) foresees the development and the publication, in consultation with Member States and EFSA, of a (non-exhaustive) list of fruits and vegetables that are excluded from Annex V point 2. As to address the European Single Market, it will be important to elaborate one joint European list of excepted products. It is to be expected that packaging waste and food waste will increase in case individual Member States rely upon their own national or regional listings. These last would seriously impact the significant international trade in fruit and vegetables, and contradict the level playing field that is a necessity to keep business feasible.

A switch to bulk or alternative packaging is a process that requires research, innovation, investments and trials – which has to be done at a European harmonized level. Such process should be based on scientific harmonized risk assessments as in some cases plastic packaging still has advantages that outweigh the disadvantages of paper and/or sales of loose produce. In several cases plastic packaging has still a positive impact on food safety (*limiting microbial risks*), storage and quality (*washed potatoes*) and the material is lighter than paper or cardboard (*more plastic packaging can be transported in a truck*). A decision on exemptions should be taken carefully and in a sustainable way, taking the long term perspective.

Fresh Trade Belgium, VBT and Belgapom insist on harmonized European rules and timelines as a basic condition for trade on the internal market. A complete alignment of the Luxembourg legislation with the European Regulation is a must for the sector of fruit, vegetables and potatoes.