

USDA Foreign Agricultural Service

GAIN Report

Global Agricultural Information Network

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EU Exporter Guide for Fresh Fruit and Vegetables

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Approved By:

Maurice House

Prepared By:

Tania De Belder

Report Highlights:

The EU and its 27 Member States are moving towards a legislation that can be applied throughout the entire EU so that fruit and vegetables legally imported and distributed in one member country of the EU can also be distributed in all other member countries. For some requirements, legislation at the EU level already exists while in other areas, there are different Member State requirements. This exporter guide gives an overview of rules at the EU level that apply when exporting fruit and vegetables into the EU.

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EU Exporter Guide for Fresh Fruit and Vegetables

The EU and its 27 Member States are moving towards a legislation that can be applied throughout the entire EU so that fruit and vegetables legally imported and distributed in one member country of the EU can also be distributed in all other member countries. For some requirements, legislation at the EU level already exists while in other areas, there are different Member State requirements. This exporter guide gives an overview of rules at the EU level that apply when exporting fruit and vegetables into the EU.

1. Marketing and Labeling

Marketing:

The EU provides marketing standards for fresh produce, which also apply to imported products. Fruit and vegetables destined for the processing industry are not required to conform to the marketing standards and must be clearly marked "intended for processing" or "for animal feed or other non-food use."

A general marketing standard is described in Part A of Annex I to [Commission Regulation 543/2011](#) and applies to all fruit and vegetables not covered by a specific marketing standard. Products conforming to UNECE (United Nations Economic Commission for Europe) standards are considered as conforming to the general marketing standard. Marketing standards apply at all marketing stages.

There are specific marketing standards for 10 products: apples, citrus fruit, kiwi fruit, lettuce, peaches and nectarines, pears, strawberries, sweet peppers, table grapes, and tomatoes.

The following products are not required to conform to the general marketing standard: mushrooms (other than cultivated mushrooms), capers, bitter and shelled almonds, shelled hazelnuts, shelled walnuts, pine nuts, pistachios, macadamia, pecans, and saffron.

For more information and the standards, see the European Commission's "[Fruit and Vegetables Marketing Standards](#)" webpage.

Fresh fruits are required to be checked for conformity with EU marketing standards for quality and labeling. A conformity certificate is required for all fresh produce shipments destined for the fresh market. Importers can obtain these certificates at the point of import.

Labeling:

Marketing standards also contain provisions for labeling of fresh produce. Labeling has to be in a language easily understood by consumers, such as the official language of the member state where it will be sold.

Each carton of produce must be marked with the following information:

- A. Identification: The name and the address of the packer and the dispatcher must be included on the label.
- B. Type of produce: The name of the produce must be included if the produce is not visible from the outside of the packaging. Including the name of the variety on the label is optional.
- C. Origin of produce: The country of origin is mandatory on the label. However, naming the local place, the district, or the region where product is grown is optional.
- D. Commercial specifications: The class and size, expressed by the minimum and maximum weight of the fruit, are required. Listing the number of fruits in the package is optional.
- E. Official control mark: An official control mark is optional.

Each package of mixes must adhere to the following criteria:

The marketing of packages of a net weight of 5 kg or less containing mixes of different species of fruit and vegetables shall be allowed, when:

- A. the products are of uniform quality and each product concerned complies with the relevant specific marketing standard or the general marketing standard;
- B. the package is appropriately labeled; and,
- C. the mix label does not mislead the consumer.

If the fruit and vegetables in a mix originate from more than one country, the full names of the countries of origin may be replaced with one of the following, as appropriate:

- A. 'mix of EU fruit and vegetables;'
- B. 'mix of non-EU fruit and vegetables;'
- C. 'mix of EU and non-EU fruit and vegetables.'

Packaging:

The EU also sets standards on packaging. The materials used inside the package must be clean and of a quality such as to avoid causing any external or internal damage to the produce. The use of materials, particularly of paper or stamps bearing trade specifications is allowed provided the printing or labeling has been done with non-toxic ink or glue.

Stickers can be individually affixed on the produce but must neither leave visible traces of glue nor damage the produce when removed.

Packages must be free of all foreign matter. In some cases, the EU will permit stem leaves to remain on the fruit.

2. Import duties

Tariffs

The EU harmonizes tariff codes to the 8-digit level by the Combined Nomenclature (CN) for the customs classification of goods. An update of the CN (Tariff Schedule) is published annually by October 31 and enters into force on January 1 of the following year. Tariff levels for 2012 are published in [EU Regulation 1006/2011](#). The tariff schedule provides the quotas and rates of duty on products entering the EU's territory under the standard import regime, including imports from the United States.

Product	2006		2007		2008		2009		2010	
	Value	Qty	Value	Qty	Value	Qty	Value	Qty	Value	Qty
	1,000 \$	MT	1,000 \$	MT	1,000 \$	MT	1,000 \$	MT	1,000 \$	MT
Fresh Fruit	151,007	125,485.7	179,791	151,746.9	199,302	167,916.8	161,417	128,520.7	135,403	108,280.7
GRAPEFRUIT, FRESH	39,012	55,757.9	50,609	73,055.2	55,389	79,317.5	47,590	59,102.8	43,469	54,224.2
APPLES, FRESH	40,243	36,759.2	42,403	41,985.6	43,835	40,790.1	36,397	32,420.6	26,864	24,357.3
GRAPES, FRESH	13,348	6,118.0	17,477	7,080.6	24,492	8,354.3	21,578	9,554.2	17,877	6,780.6
CHERRIES	20,438	4,331.2	21,751	4,076.0	19,949	3,383.5	15,697	3,719.3	13,211	2,358.3
CRANBERRY, NES, FR	6,460	3,415.1	12,665	4,927.5	13,693	6,416.0	14,803	8,133.8	7,324	3,828.1
STRAWBERRIES, FR	5,484	2,796.6	8,011	3,907.7	6,806	2,965.4	4,518	1,535.3	4,680	1,388.2
BERRIES, FRSH, NEC	1,657	500.3	3,083	1,193.4	230	77.3	2,718	989.3	4,668	864.7
PEARS & QUINCE F	3,331	3,561.2	5,337	5,484.8	8,780	7,856.2	4,776	4,199.8	4,651	3,963.9
Fresh Vegetables	35,134	35,745.6	39,248	36,191.4	45,859	44,385.8	43,493	47,054.2	48,792	55,971.6
SW POTATO, FR/DRD	18,715	20,478.2	17,588	19,157.5	22,021	25,207.6	23,953	31,241.0	25,729	36,727.8

CARROTS, FR/CH	2,202	1,851.9	2,388	1,949.8	3,456	2,663.1	3,382	2,525.0	3,638	2,675.4
CORN,SWT,FR/CH	4,155	5,118.5	4,423	5,396.5	6,937	8,964.7	5,218	8,938.0	3,254	4,689.0
ONIONS/SHALL,F/ C	919	1,593.0	1,246	1,836.8	1,119	1,587.5	1,214	826.2	2,228	1,916.7

Source: FAS – Global Agricultural Trade System (GATS)

Tariff rates for these products are as follows:

	EU Tariff (%)
Fresh Fruit	
08054000 - GRAPEFRUIT including pomelos	from 1.5 to 2.4
08081000 - APPLES	free to 4 and*
08061000- GRAPES, fresh or dried	from 2.4 to 17.6 and*
08121000 - CHERRIES	8.8
08104050 - CRANBERRIES	3.2
08101000 - STRAWBERRIES, FR	11.2*
08102000 - RASPBERRIES, BLACKBERRIES, MULBERRIES and LOGANBERRIES	from 8.8 to 9.6
08083000 - PEARS	free, 5 to 8 and*
Fresh Vegetables	
07142010 - SW POTATO,FRESH	3.8
07061000 - CARROTS and TURNIPS	13.6
07099960 - SWEETCORN	9.4 eur per 100 kg net
07031000 ONIONS and SHALLOTS	9.6

*Check the tariff schedule for more detailed information

Source: EU tariff schedule

The tariff for these same products may not be the same when exported from other countries when the EU has negotiated a free trade agreement.

The EU's on-line customs database can be consulted to look up commodity codes and relevant import duties:

http://ec.europa.eu/taxation_customs/dds2/taric/taric_consultation.jsp?Lang=en&redirectionDate=20101215.

EU legislation allows for additional duties, when imported volumes exceed "trigger" volumes. These additional duties are applied on an ad hoc basis and are published in the Annex XVIII of [Commission implementing Regulation 543/2011](#) for fruit and vegetables.

Entry Price System

Imports of fresh fruit and vegetables are subject to an Entry Price System (EPS). U.S. produce is usually not subject to the full tariff equivalent. It is a complex tariff system that provides a high level of protection to EU producers. In this system fruits and vegetables imported at or above an established entry price are charged an ad valorem duty only. Produce valued below the entry price are charged a tariff equivalent in addition to the ad valorem duty. The tariff equivalent is graduated for products valued between 92 and 100 percent of the entry price. The ad valorem

duty and the full tariff equivalent are levied on imports valued at less than 92 percent of the entry price. Products subject to an entry price are also published in the tariff schedule, referenced above.

Import Licenses

The EU had a system in place of import licenses for apples in order to monitor the imports of apples. A new system has been developed and so the obligation to present import licenses for apples ceased to apply at the end of August 2011.

3. Organic Fruit and Vegetables

The EU and United States have been negotiating an Organic Equivalence Cooperation Arrangement, where the EU would recognize the USDA NOP (National Organics Program). For more updated information, check the FAS website and organics report. The report will be published mid-February 2012.

4. Certificate

Phytosanitary certificate

Plant products need a phytosanitary certificate to be exported to the EU. Fresh fruits, vegetables, and nuts are subject to phytosanitary controls and are checked for compliance with the quality standards and labeling requirements. Third countries may use their own certificates provided that they contain equivalent information.

APHIS issues phytosanitary certificates in accordance with international regulations established by the [International Plant Protection Convention of the Food and Agriculture Organization of the United Nations](#). This standard-setting body coordinates cooperation between nations to control plant and plant product pests and to prevent their spread, so the EU accepts APHIS-issued [certificates](#).

Border inspections

The EU requires that every of imported consignments of many plant products undergo phytosanitary inspection upon arrival in the EU unless the plant products qualify for reduced inspection levels. The requirements and affected products are detailed in [Council Directive 2000/29/EC](#) or plant health legislation. Border officials will check for appropriate documents and a physical plant health check to verify compliance with EU import requirements. More detailed information can be accessed on DG Health & Consumer Protection's website http://ec.europa.eu/food/plant/organisms/imports/inspection_en.htm.

Under specific circumstances, Member States have the option to reduce the percentage of checks on identified products from specified countries. The process is identified in [Commission Regulation 1756/2004](#). According to the most recent updated list ([updated July 7, 2011](#)), the following U.S. products are recommended for plant health checks at reduced levels:

- 10 percent of the US prune consignments must be inspected. Each EU Member State may inspect between 10 and 100 percent of the prunes consignments imported from the U.S.

- The frequency of inspections on imports of U.S. apples for the Malus species was reduced, but went up to 100 percent since October 1, 2011.

Since border inspections are ultimately controlled by the Member States, the EU can only recommend that inspections be reduced. Member states may decide not to follow the recommendation.

Pest and plant disease restrictions

Fruits and vegetables have to be free of certain pests and diseases, which are also listed in the EU plant health legislation or [Council Directive 2000/29/EC](#).

Wood Packing Material (SWPM) Regulations:

The EU requires all imported Wood Packaging Materials (WPM) comply with the FAO International Standard for Phytosanitary Measures (ISPM 15). ISPM15 lays down guidelines for WPM in international trade. The use of the mark also allows for WPM to maintain a paperless system.

According to [EU Directive 2004/102/EC](#), all WPM entering the EU from exporting countries must fulfill these requirements:

- It must be either heat treated or fumigated with methyl bromide in line with the ISPM15 procedures.
- It must be officially marked with the ISPM15 stamp.
- Since January 2009, all WPM imported into the EU has to be debarked.

Debarking: WPM has to be debarked when imported to the EU. However, it may contain pieces of bark as long as the width is less than 3 cm regardless of the length. If the piece of bark is wider than 3 cm but the total area is less than 50 cm² is considered debarked

ISPM15 Stamp: WPM from outside the EU must be marked with the official ISPM15 stamp. This stamp is universally recognizable, non-language specific IPPC logo with three codes for the country, producer and treatment measure applied. Detailed information on the ISPM15 stamp and the treatments needed on the WPM can be found on the APHIS website.

Traceability of imported produce

Food from exporting countries entering the EU must be traceable to the point of import. The importer must be able to specify the exporter. Food entering the EU must comply with the rules laid out in the [General food Law](#).

5. Pesticides and additives

Pesticide Residue Levels or MRLs

The EU must add a pesticide to its approval list and a MRL for specified products must be applied for before the MRLs are set at the EU level and are published in [European Parliament and Council Regulation 396/2005](#) on food or feed of plant and animal origin. Pesticide MRLs for processed or composite products are based on the MRLs of the raw agricultural ingredients.

For a list of authorized active substances or pesticide-MRL combinations, see the European Commission's pesticides-MRL database: [DG Sanco's pesticides-MRL database](#).

Private standards are used by some EU retail chains as a marketing tool. These standards may exceed EU regulations requiring suppliers to adhere to limit the maximum residues between 30 and 70 percent of the respective MRL set by the EU.

Import tolerances

If there is no MRL in place, exporters can apply for an "import tolerance" for active substances that have not been evaluated or used in Europe before. The procedure takes about a year, from application to implementation of the new MRL or import tolerance. Import tolerances will apply EU wide. For more information consult: http://www.pesticides.gov.uk/applicant_guide.asp?id=1239.

Official controls

EU legislation also requires Member States to take and analyze samples for product and pesticide residue combinations in food of plant and animal origin. Annex I to the Regulation sets out the pesticide and product combinations to be monitored. Annex II sets out the number of samples that need to be taken for each combination. The Member States must submit results of the sample tests to the EU by August 31 each year. [Commission Regulation 1274/2011](#) outlines the most current requirements and can be used by exporters to predict which pesticide on which product is more likely to be tested at the border as well.

Additives

The EU recently published two lists containing all authorized food additives in the EU. Only additives on the list are authorized for use in food products sold on the EU market. [European Parliament and Council Regulation 1333/2008](#) provides for the conditions under which additives may be added to food. The list is categorized by type of food the additive is authorized for. The new lists can be found at: <http://eur-lex.europa.eu/JOHtml.do?uri=OJ:L:2011:295:SOM:EN:HTML> Food additives approved under older directives will continue to be permitted until June 2013, when these new annexes or positive lists become fully applicable. The EU permits the use of white beeswax, yellow beeswax, candelilla wax, carnauba wax and shellac on citrus fruit, melons, apples, pears, peaches and pineapples and glazing agent on nuts. See the Commission's [food additives database](#) for more information on which different food additives are allowed in the EU.

6. EU Policy on Fruit and Vegetables

The EU established a single Common Market Organization (CMO) for all agricultural products. The reform of EU Common Market Organization (CMO) for fruits and vegetables was needed to bring the sector in line with other agricultural sectors that were reformed under the Common Agricultural Policy (CAP) and to incorporate it into the single CMO by [Council Regulation 361/2008](#). For more information on the CAP, see at <http://www.fas.usda.gov/posthome/useu/cap.html>

Producer Organizations (PO's) are the key elements in the EU's CMO for fruit and vegetables, since there has been a shift from production support to direct aid to producers. PO's are legal entities established by producers to market commodities. EU subsidies are not paid to individual producers but are channeled through PO's. In order to qualify for EU subsidies, PO's must submit an operational program financed through an operational fund. The EU's financial contribution is paid directly into the PO's operational fund. The calculation of the estimated amount of operational fund is based on the operational program and the value of marketed production. The implementing rules can be found in [Commission Regulation 543/2011](#) including more details on previous sections of this exporter guide.

The products covered by the fruit and vegetable regime can be found at:
http://ec.europa.eu/agriculture/fruit-and-vegetables/list-of-products_en.pdf.

The scheme does not include the following: bananas other than plantains, potatoes, live plants and floriculture products, olive oil and table olives.

7. Key Contacts and Member State information

The EU office:

USEU Agriculture, USEU, Brussels, Belgium

Telephone: (011+32-2) 811-4247

Email-FAS: aguseubrussels@fas.usda.gov

The new website will be available in the course of 2012!

The implementation and enforcement of this exporter guide may vary among Member States. It is therefore advisable to consult the exporter guides of the relevant Member States in the Global Agricultural Information Network:

<http://gain.fas.usda.gov/Pages/Default.aspx>

The other FAS/EU Member State offices:

More detailed contact information on the different EU Member State offices can be found here:

http://www.fas.usda.gov/ofso/overseas_post_directory/ovs_directory_result.asp

Austria

Tel-Embassy: (011-43-1) 31-339-2249

Email-FAS: agvienna@fas.usda.gov

Bulgaria

The Office Covers: Kosovo, Macedonia, Montenegro, Romania and Serbia

Telephone: (011-3592) 939-5774

Email-FAS: agsofia@fas.usda.gov

Czech Republic

Tel-Direct Line: (011-420) 257-022-026

Tel-Embassy: (011-420) 257-022-000

Email-FAS: agprague@fas.usda.gov

France

The Office Covers: Ireland and United Kingdom

Telephone: (011-33-1) 4312-2277

Email-FAS: agparis@fas.usda.gov

Germany

The Office Covers: Austria, Hungary and Slovenia

Telephone: (011-49-30) 8305-1150

Email-FAS: agberlin@fas.usda.gov

Hungary

Telephone: (011-36-1) 475-4162

Email-FAS: agbudapest@fas.usda.gov

Italy

The Office Covers: Albania, Bosnia and Herzegovina, Croatia, Greece and Malta

Telephone: (011-39-06) 4674-2396

Email-FAS: agrome@fas.usda.gov

Netherlands

The Office Covers: Belgium, Denmark, Finland, Iceland, Luxembourg, Norway and Sweden

Tel-Direct Line: (011-31-70) 310-2299

Fax: (011-31-70) 365-7681

Email-FAS: agthehague@fas.usda.gov

Poland

The Office Covers: Czech Republic, Estonia, Latvia, Lithuania and Slovakia

Telephone: (011-48-22) 504-2336

Email-FAS: agwarsaw@fas.usda.gov

Email-Internet: agwarsaw@poczta.onet.pl

Spain

The Office Covers: Portugal

Telephone: (011-34) 91-587-2555

Email-FAS: agmadrid@fas.usda.gov

United Kingdom

Telephone: (011-44) 20-7894-0464

Email-FAS: aglondon@fas.usda.gov

Other European organizations:

Freshfel Europe and Europatat

The European Fresh Produce Association

Rue de Trèves 49-51, bte 8

1040 Brussels - Belgium

Telephone: (011+32 2) 777.15.80
E-mail: info@freshfel.org
<http://www.freshfel.org/>

FRUCOM dried fruits
Rue de Trèves 49-51, bte 8
1040 Brussels - Belgium
Telephone: (011+32 2) 736 79 97
Email: info@frucom.eu
<http://www.frucom.eu/>

EUCOFEL - Association Européenne du Commerce de Fruits et Légumes, AISBL
4, Drèves des Renards
1180 Brussels
Tel: +32 2 782 12 73
E-mail: info@eucofel.org - secretariat@eucofel.org
<http://www.eucofel.org/index.php?dossier=&page=accueil>

Links to FAS EU-27 reports:

- [EU-27 Fresh deciduous annual report](#)
- [EU-27 potato annual report](#)
- [EU-27 citrus annual report](#)
- [EU-27 FAIRS report \(Food and Agricultural Import Regulations and standards\)](#)