



# THE FRUITS AND VEGETABLES INDUSTRY SERIES

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## Session n°10

**The rise of convenience: How ready-to-eat  
foods are reshaping the Fruits and  
Vegetables sector**



FRUIT AND VEGETABLES SCHEME





# Revision of F&V marketing standards – focus on 'fourth range' products



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*This presentation includes the outline of the regulation and summarises some of the opinions, based on information provided.*

*All the opinions are available to the Member States' national authorities on CircaBC.*

*The presentation is meant for pedagogic purposes and as such doesn't provide legal interpretations and does not commit the European Commission.*



## Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products. (CMO)

### Article 75

1. Marketing standards may apply to one or more of the following sectors and products: (...)

- (b) fruit and vegetables;
- (c) processed fruit and vegetable products;
- (d) bananas; (...)

### Article 76(1) (applying to fruit and vegetables)

In addition, where relevant, to the applicable marketing standards referred to in Article 75, products of the fruit and vegetables sector which are intended to **be sold fresh to the consumer** may only be marketed if they are **sound, fair and of marketable quality and if the country of origin is indicated**.

## Main regulations related to Commission Delegated Regulation (EU) 2023/2429



### Regulation (EU) No 1308/2013 of the European Parliament and of the Council. (CMO)

- Sectors are defined in its Annex I, namely in Part IX ('fresh' F&V), in Part X (processed fruits) and in Part XI (bananas except plantain).

### Regulation (EU) No 952/2013 of the European Parliament and of the Council. (UCC)

- Article 60 provide rules to determine the country of origin of a product. (non-preferential)
- Guidance on non-preferential rules of origin.
- Together with Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff.

### Regulation (EU) No 1169/2011 of the European Parliament and of the Council. (FIC)

- Commission Delegated Regulation is *Lex Specialis* regarding the indication of the origin, however in particular cases where Delegated Regulation (EU) 2023/2429 is silent, FIC applies.

## Main topics triggering questions



- The scope
- The extent of the mandatory indication of the origin
- The exceptions and exemptions
- The labelling
- Mixes

## Scope of Commission Delegated Regulation (EU) 2023/2429



### Article 1(2)

This Regulation applies to the following sectors and products:

- (a) the fruit and vegetables sector referred to in Article 1(2), point (i), of Regulation (EU) No 1308/2013;
- (b) dried fruits of CN codes 0804 20 90, 0806 20 and ex 0813 listed in Part X of Annex I to that Regulation;
- (c) the bananas of CN code 0803 90 10 listed in Part XI of Annex I to that Regulation.

### What does it mean in practice ?

→ All fresh fruit and vegetables of Part IX of Annex I to CMO.

This also includes : certain nuts, certain dried fruits, plantain bananas.

→ The dried fruits of Part X of Annex I to CMO.

Dates and the « other products » of Part XXIV of Annex I to CMO are excluded,

→ All other than plantain bananas of Part XI of Annex I to CMO,

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## The extent of the mandatory indication of the origin



The indication of the origin is mandatory for all products covered by article 76(1) of the CMO, and for green and unripened bananas (via its specific marketing standard)

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### Article 3

(a) dried fruits of CN code ex 0813, as defined in Part X of Annex I to Regulation (EU) No 1308/2013;

(b) dried figs of CN code 0804 20 90;

(c) dried grapes of CN code 0806 20;

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(d) ripened bananas of CN code 0803 90 10 and resulting of the ripening on the Union territory.

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## Exceptions and exemption from the application of marketing standards



### Article 5(1)(b)(xvii)

By way of derogation from Article **76(2) and (3)** of Regulation (EU) No 1308/2013:

the following products shall not be required to conform to the marketing standard except regarding the indication of the country of origin as referred to in Article 76(1) of Regulation (EU) No 1308/2013:

(...)

— products classified as fruit and vegetables and listed in Part IX of Annex I to Regulation (EU) No 1308/2013, **having undergone any preparation beyond the extent of trimming as indicated in the applicable UNECE specific standard**, or not intact within the meaning of the general marketing standard and making them ready to be directly consumed fresh or cooked;

### What does it mean in practice ?

→ Fresh products under the scope of the regulation are required to have the origin indicated (Article 76(1) of the CMO), even when trimmed or cut.



### Article 8(1)(a)

*The marketing of packages of a net weight of 10 kg or less containing mixes of different **products** or **species of products covered by this Regulation** shall be allowed, provided that:*

- the products and species of products are of uniform quality and each one complies with the relevant **specific marketing standard** as applicable or, where no specific marketing standard exists for a particular product, the **general marketing standard** as applicable.

### What does it mean in practice ?

- Mixes of same products or same species of product is not allowed unless provided differently in the specific marketing standards. (e.g. distinctively different apples or salads),
- This also applies to mixes of products as defined in Article 5(1)(b)(xvii) so called 4<sup>th</sup> gamma,
- This must be read jointly with the rules on uniformity and unicity of origin in the standards, with the consequence that different origin is only allowed for mixes of different products or species of products.

### Article 8(2)

The requirements of paragraph 1, point (a), shall **not apply to products** included in a mix **which are not** products of the **fruit and vegetables**, dried fruits or bananas sectors referred to in Article 1.

#### What does it mean in practice ?

→ In the mix of the picture, cooked maize is not covered by the rules of Article 8 on mixes.

... And the indication origin is not mandatory for cooked maize neither except if not indicating the origin creates confusion (FIC, Art. 26(2)(a)).



## Mixes



### Article 8(3)

*If the products in a mix of different products or species of products **covered by this Regulation** originate in more than one Member State or third country, the names of the countries of origin may be replaced with one of the following indications, as appropriate:*

- (a) 'EU';*
- (b) 'non-EU';*
- (c) 'EU and non-EU'.*

### What does it mean in practice ?

→ This simplified indication of the origin applies under the conditions of paragraphs (1) & (2). It means that in a mix dried fruits containing walnuts (origin France), hazelnut (origin Italy) and dates (origin Morocco), the labelling will be:

Origin : walnuts and hazelnuts: EU, dates: Morocco (facultative)

Origin : Walnuts, hazelnuts and dates : 'EU and non-EU' **is not allowed**

→ It is for consumers information purposes, not for invoices nor accompanying documents (pallets, containers)

## Entry into force and application



### Article 11

This Regulation entered into force on the twentieth day following that of its publication in the Official Journal of the European Union.

It **applies from 1 January 2025**, with the exception of Article 5(1), point (c), which applied from the of entering into force of this Regulation.



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# Thank you



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*The OECD-COLEAD Fruits and Vegetables Industry Series focuses on market access conditions and opportunities for the fruit and vegetable sector, especially for fruit and vegetables producers and exporters from ACP-countries. This activity is supported by the Fit For Market Plus programme, implemented by COLEAD within the Framework of Development Cooperation between the Organisation of African, Caribbean and Pacific States (OACPS) and the European Union.*