

Export of fruit and vegetables to the EU



Fact sheet on Hygiene,
Quality and Phytosanitary Requirements
for Fruit and Vegetables in the EU



Disclaimer

The information provided in this export guide is believed to be accurate at the time of publishing. It is, however, passed on to the reader without any responsibility on the part of the authors and it does not release the reader from the obligation to comply with all applicable legislation.

The authors or publishers make no warranty, expressed or implied; concerning the accuracy of the information presented, and will not be liable for injury claims pertaining to the use of this publication or the information contained therein.

No obligation is assumed for updating or amending this publication for any reasons, be it new or contrary information or changes in legislation, regulations or jurisdiction.

Preface

Foodstuffs account for an important part of the production coming from the developing countries and the sector represents a great export potential. In order to make the most of this potential, it is, however, necessary to improve and adjust the quality of the products in order that they may live up to the requirements of the export markets.

The first barrier is for the exporter to obtain knowledge about the requirements and needs of the export markets, and as far as exporting to the EU is concerned, it may prove very difficult indeed to get a clear picture of all the various types of legislation that define the requirements of the individual product.

The various foodstuffs are all covered by a mutual basic legislation but in addition to this, further legislation apply depending on the type of product. In relation to the legislation it is expedient to divide foodstuffs into three categories: Fresh fruit and vegetables, vegetable processed foodstuffs and animal foodstuff.

The Danish Import Promotion Programme DIPP has in co-operation with the Danish Food Directory and QMS Consult drawn up three fact sheets outlining which kind of legislation, you must take into account as a company wishing to export foodstuffs to the EU.

The fact sheets do not give detailed information on specific products but indicate to the reader what must be taken into consideration and give guidance to the reader on how to find the relevant information.

We trust that the fact sheets, i.e.:

- Fact sheet on Hygiene, Quality and Phytosanitary Requirements for Fruit and Vegetables in the EU
- Fact Sheet on the Requirements for Processed Food of non-Animal Origin) within the EU
- Fact Sheet on the Requirements for Foodstuffs of Animal Origin within the EU

will prove helpful to exporters from the developing countries, who wish to enter the various EU markets.

DIPP
Danish Import
Promotion Programme

Danish
Chamber
of Commerce

DIPP works under a contract between The Danish International Development Assistance Danida, and the Danish Chamber of Commerce. DIPP is integrated in The Danish Chamber of Commerce but 100% financed by Danida.



Hygiene, Quality and Phytosanitary Requirements for Fruit and Vegetables in the EU

1	General information	4
1.1	EU and the Single Market	7
2	Legal framework	6
3	Technical requirements at the entry into the EU	7
3.1	Phytosanitary requirements for plants, fruit and vegetables	7
3.1.1	National authorities	7
3.1.2	Phytosanitary requirements at the entry into the EU	7
3.1.3	Protected zones	8
3.1.4	Pest list and specific requirements	8
3.1.5	Contamination during transport to the EU	8
3.2	Hygiene requirements	9
3.2.1	Specific examples of hygiene procedures	9
3.3	The requirements for pesticides and other chemicals	10
3.3.1	Specific examples of pesticide usage/contents	10
3.3.2	Surface treatment	10
3.4	Certain contaminants	11
3.5	Quality	11
3.5.1	General principles	12
3.5.2	Important quality characteristics	12
3.6	The requirements for sorting and packaging	13
3.6.1	Specific examples of sorting and packing	13
3.7	The requirements for labelling	14
3.7.1	Specific examples of labels	14
3.8	GMO	15
3.9	Novel food	15
3.10	Radioactive contamination	16
3.11	Irradiation	16
3.12	Organic produce	16
3.12.1	Equivalence has been obtained by your country	16
3.12.2	Equivalence has not been obtained by your country	17
3.12.3	Use of pesticides and other chemicals in organic production	17
4	Entry into the EU	18
5	Procedure at the EU border	19
6	Import fee	19
7	Links to the main EU legal documents	20

Appendix 1. Minimum size and label information; please read the full text in the quality standard for further explanations and possible changes.

E: Extra class; I: Class I; II: Class II. 22

Appendix 2. List of Agronyms 24

1. General information

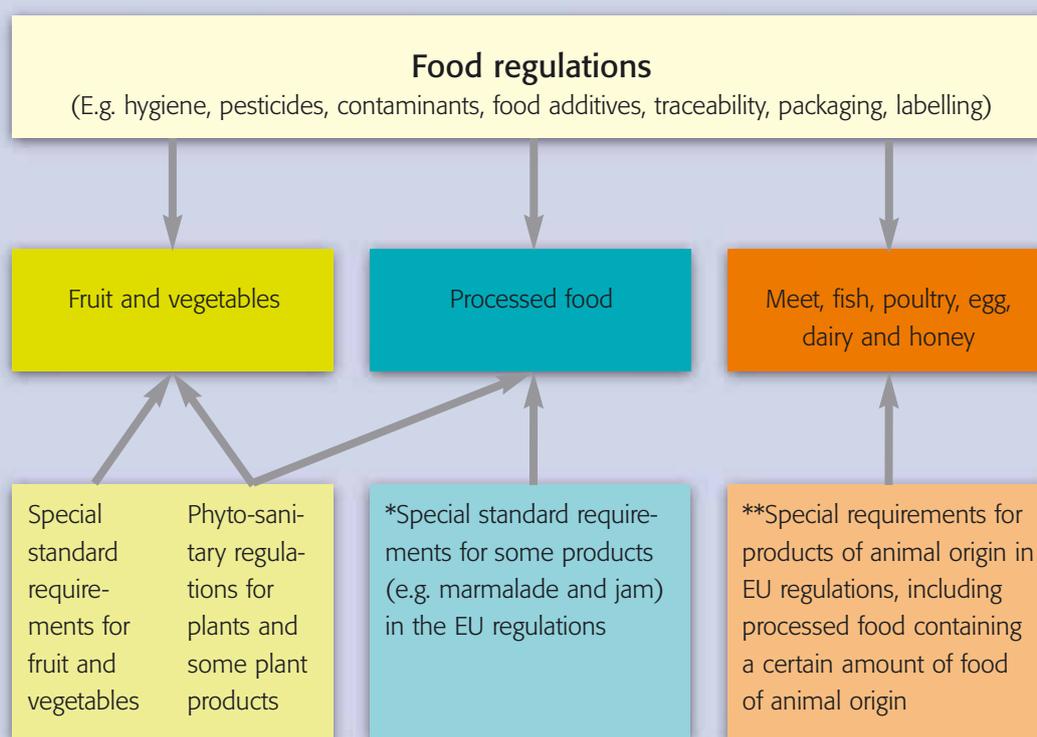
In the EU Member States consumer safety and protection have high priority and all kind of foods are covered by legislations and requirements. The basic legislation, which includes requirements on e.g. hygiene, traceability, packaging and labelling, applies for all Member States but in addition some Member States have a supplementing local legislation. The individual business operator in the EU might furthermore have voluntary certifications with special demands.

Fresh fruit and vegetables and food of animal origin are in addition to the legislation regarding hygiene, traceability, packaging and labelling covered by special legislation like e.g. quality standards, phytosanitary or zoo sanitary requirements and special hygiene requirements.

If produce is processed (more than a simple trimming or cleaning) it is classified as 'processed food' and eventually specific requirement will depend on the ingredients.

The below table 1 gives an overview of the foodstuff regulations relevant for the three product groups: Fresh fruit and vegetables, processed food of non-animal origin and animal foodstuff.

Table 1 Regulations covering the main categories of foods



* See "Fact Sheet on Processed Food (of non-Animal Origin) in the EU"

** See "Fact Sheet on Food Stuff of Animal Origin in the EU"

Types of EU legislation

A **directive** forms the basis. All Member States must implement the directive via national legislation. Member States may have a stricter legislation than what is required in the directive.

A **regulation** does not need to be implemented in each member state, as this is immediately valid throughout the EU. Member States may have a stricter legislation than what is required in the regulation.

A **community decision** is valid throughout the EU and is often the legal instrument used for legislation that is very specific and may only be relevant for a short period of time.

Supplementing local regulation might occur in some EU Member States.

1.1 EU and the Single Market

The EU Single Market came into force in 1993 establishing free movement of people, goods, services and capital within the EU.

The establishment of the EU customs union is one of the fundamental principles for the Single Market. The customs union removed the duty on goods which are traded within the EU. For goods being imported to the EU from non Member States the national duty and tariff systems were replaced by one common EU duty system.

This means that, as far as duty is concerned, an exporter outside the EU can view the EU as one market, and once the goods have entered the EU, they can be moved duty free from one Member State to the other.

Product inspections are made for some imported goods at the outer border – that is where the produce enters the EU. Many international airports and harbours have inspection facilities for food products. Information about the points of entry may be obtained from the authorities of the individual Member States.

Table 2 EU member states 2007. Countries marked in yellow are EU Members, countries in blue are candidate countries.



General information may be found on Emus' information pages (http://europa.eu/index_en.htm).

2. Legal framework

The legislation for quality, labelling, plant health, hygiene, GMO and pesticide residues is the same in all EU Member States. A list of the main legal documents is added at the end of this document.

'Simple preparation' is the technical term for washing or trimming. If an item has been cut (that is processed further than the trimming), it is classified as processed and included in the general food legislation. The distinction between trimming and processing is subtle. The individual product standards describe trimming where appropriate.

Protection against the introduction and spreading of plant pests is important for the EU. The legislation is based upon the principles and concepts of the International Plant Protection Convention (IPPC) under FAO. Once imported into the EU, products may be traded and moved amongst Member States on the same conditions as products of EU origin.

The requirements for processed food are described in the Fact Sheet on Requirements for Processed Food (of non-animal Origin) within the EU.



3. Technical requirements at the entry into the EU

In the following the most important rules and legislations are described.

3.1 Phytosanitary requirements for plants, fruit and vegetables

The 'Plant Health Directive' (Council Directive 2000/29/EC) with later amendments forms the basis for the plant protection within the EU. Time-limited emergency measures towards certain immediate high-risk pests may be issued as amendments or as separate legislation.

Each Member State introduces national legislation implementing EU Directives with country-specific details. However, the lists of quarantine pests and regulated articles and commodity-specific requirements are valid for all Member States. More stringent requirements apply to the movement of regulated articles into protected zones, see chapter 3.1.3 Protected zones.



3.1.1 National authorities

Each EU Member State has its own national phytosanitary authority called The National Plant Protection Organisation (or NPPO) which is responsible for the phytosanitary inspection at the outer borders of the EU and for the phytosanitary surveys within the Member States. A list of NPPO's may be found on <https://www.ippc.int/IPP/En/nppo.jsp>

3.1.2 Phytosanitary requirements at the entry into the EU

The EU intends to keep plant pest out of the EU, as far as possible.

The Plant Health Directive specifies plant species, plant products and other objects that must be accompanied by a phytosanitary certificate issued by the National Plant Protection Organisation (NPPO) in the exporting country at the earliest 14 days before the consignment leaves the country. Phytosanitary certificates for products that originate in other countries than the exporting country must state the country of origin.

Regulated commodities include seeds, living parts of plants, fruit and vegetables (if not frozen), tubers, corms, bulbs, rhizomes, cut flowers, branches with foliage, cut trees with foliage, leaves and foliage, plant tissue cultures, live pollen, bud-wood, cuttings and scions, and any other plant parts or objects mentioned specifically in the Plant Health Directive, as well as wood including e.g. chips, sawdust, waste and packaging materials.

Some extra requirements are needed for products of certain plant species (e.g. seedlings).

A phytosanitary certificate certifies that the NPPO of the exporting country

- has inspected the plants, plant products or other regulated articles
- considers the plants etc. to be free from regulated pests and practically free from other pests
- considers the consignment to comply with the phytosanitary regulation of the importing country.

The importing country (i.e. a EU Member State) may require an additional declaration stating that the produce is free from a range of specific plant pests. Information about these requirements may be obtained from the NPPO in the importing country.

Phytosanitary certificate

Must be issued by the National Plant Protection Organisation in the country in which the plants or plant product have been produced (grown). The information on the phytosanitary certificate is specific to the requirements of the importing country or region. The issuance of phytosanitary certificates cannot be delegated to private organisations.

3.1.3 Protected zones

Within the EU some areas are defined as protected zones for a specified regulated pest. These are areas where that specific pest is not established, despite favourable ecological conditions. For exporters to the EU it is important to be aware of local protected zones within the EU, as consignments passing through or destined for a protected zone should meet the stricter requirements of that zone. Information about the protected zones can be obtained from the NPPOs.

3.1.4 Pest list and specific requirements

The Plant Health Directive includes five Annexes, each containing a list of species or products that are regulated. Annexes 1 through 4 are each divided into parts A and B, dealing with the rules for the entire EU and rules only for specified protected zones, respectively.

Annex I: Harmful organisms whose introduction into and spreading within all member states (part A) or certain protected zones (part B) are banned. If any live pests of those species is found in the consignment, the consignment is stopped at the border. The list includes species and genera of insects, mites, nematodes, fungi, bacteria, virus and parasitic plants.

Annex II: Harmful organisms whose introduction into and whose spreading within all member states (part A) or certain protected zones (part B) are banned if they are present on certain plants or plant products. Diseases on this list are regarded as quarantine pests only if associated with certain plant species. Import inspections for the presence of those pests are normally limited to consignments containing the host species.

Annex III: Plants, plant products and other objects, the introduction of which shall be prohibited in all member states (part A) or certain protected zones (part B). Products of certain origin are regarded as high risk pathways for certain pests. Specific countries may be permitted to export certain commodities on very strict conditions after a scientific assessment.

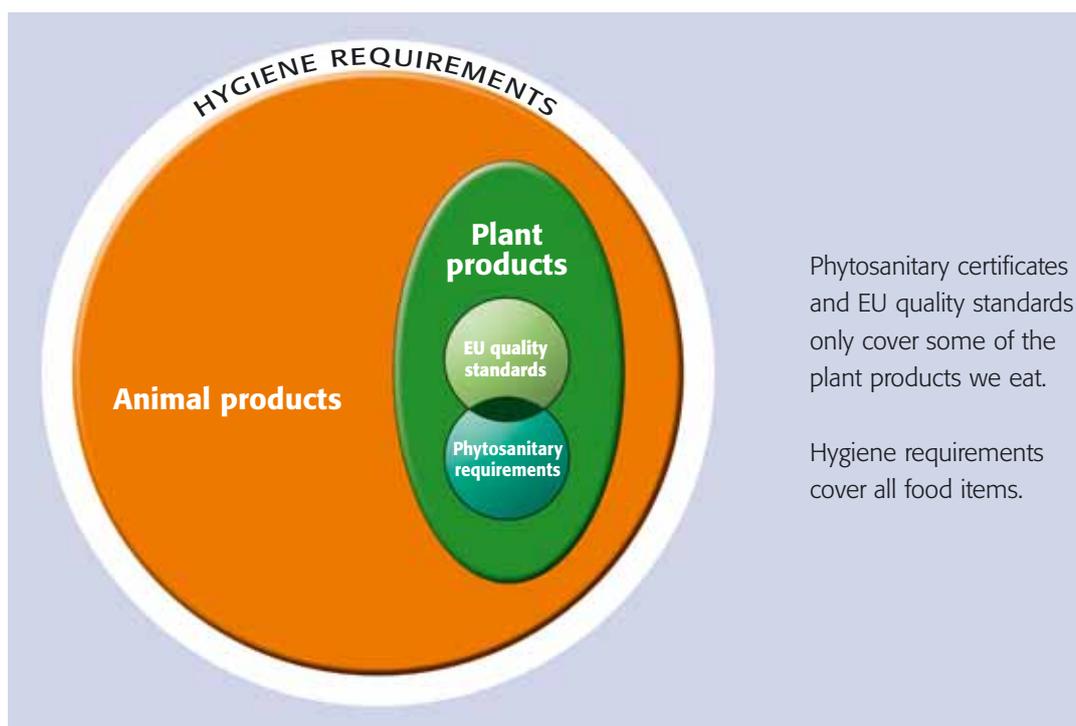
Annex IV: Special requirements for the introduction and movement of plants, plant products and other objects into and within all member states (part A) or certain protected zones (part B). Many specific commodities from specified areas may be imported into the EU if particular requirements (i.e. physical measures and documentation) are fulfilled.

Annex V: Plants, plant products and other objects which must be subject to a plant health inspection in the country of origin or the consigner country before being permitted to enter the EU (part B). EU requires that some commodities of a more specified origin must be inspected by the NPPO prior to export and be accompanied by a phytosanitary certificate. The certificate must declare the particular requirements (i.e. physical measures and documentation) that are complied with by the exporting country prior to certification and export to the EU. More links may be found in chapter 7 [Links to main EU legal documents](#).

3.1.5 Contamination during transport to the EU

The phytosanitary requirements apply at the time the consignment enters the EU. This means that pests that may have entered the products during transport are regarded as non-compliant and the product cannot enter into the EU.

3.2 Hygiene requirements



All species of fresh fruit and vegetables are handled in the food business, and are thus included in the legislation on food hygiene. This means that fresh fruit and vegetables for consumption must not carry chemicals, bacteria or other diseases which might be harmful to the consumer. The relevant requirements with regard to hygiene of food of non-animal origin are contained in Regulation (EC) No 852/2004,

http://eur-lex.europa.eu/LexUriServ/site/en/oj/2004/l_226/l_22620040625en00030021.pdf

The following rules need to be respected by food business operators in third countries:

- A general obligation on the operator to monitor the food safety of products and processes under his jurisdiction
- General hygiene provisions and detailed requirements
- Microbiological requirements for certain products
- Procedures based on the HACCP principle
- Registration of establishments

The equipment must be in good order and clean, and the staff employed during production and packaging of food and foodstuff must be aware of the risk of infection caused by lack of personal hygiene and hygiene at all stages of the production. The staff employed should also be supervised and instructed and/or trained in food hygiene and this to be commensurate with their work activities. The Commission might in future request third countries to present information on hygiene, sanitation installations, control procedures and risk assessment procedures but at present there are no requests from the authorities.

For more information, see http://europa.eu.int/comm/food/index_en.htm and chapter 7 [Links to main EU legal documents](#).

3.2.1 Specific examples of hygiene procedures

Water used for washing the products must be of drinking water standard to ensure no contamination with harmful organisms or pesticides.

Staff employed during picking, trimming and packaging must be aware of the risk of infection caused by lack of hygiene during all stages from picking to shipping. The principles from HACCP or EurepGAP may be a way of ensuring that you are able to document that your products have been produced under a set of rules that ensure a high level of quality and hygiene.

3.3 The requirements for pesticides and other chemicals

Citizens of the EU are aware that fruit and vegetables may contain residues of pesticides. The special legislation (see http://ec.europa.eu/food/plant/protection/resources/mrl_crop.pdf) defines the maximum residue level in many products. The document consists of almost 800 pages. For each product a set of maximum residue level (MRL) has been decided for each of the pesticides commonly used for this crop. Each member state of the EU takes samples of the produce on the market and publishes the results. Marketing of produce containing larger amounts than the MRL may lead to fines or imprisonment. So the onus lies with the importer (and hence on the exporter) to ensure that imported products are in accordance with the maximum residue limits. Your importer may ask for documentation that your product observes the maximum levels and you must be aware that the limits, the products and the pesticides are constantly renewed. The current EU legislation on pesticide residues may be found on http://ec.europa.eu/food/plant/protection/pesticides/legislation_en.htm.

Fresh fruit and vegetables grown and handled outside the EU may be treated with surface seals etc., and this need not be declared. For further information please see chapter 7 giving the links to main EU legal documents.

3.3.1 Specific examples of pesticide usage/contents

Citrus fruits may have a surface treatment containing the pesticides biphenyl, diphenyl, orthophenyl phenol or sodium orthophenyl phenol. No other pesticides are permitted as surface treatment for vegetables and fruit. These pesticides must be declared on the label.

3.3.2 Surface treatment

Fruit and vegetables other than citrus fruit may also be covered with a range of chemicals to increase their shelf life. These chemicals are classified as food additives and are listed in the European Parliament and Council Directive No 95/2/EC of 20 February 1995 on food additives other than colours and sweeteners (OJ No L 61, 18. 3. 1995, p. 1) with amendments, see (http://ec.europa.eu/food/fs/sfp/addit_flavour/flav11_en.pdf).

Contrary to all other use of food additives, it is not mandatory to declare those used for surface treatment of fresh fruit and vegetables.



3.4 Certain contaminants

The EU has determined maximum levels of the content of some contaminants, i.e. nitrate, mycotoxins, NO₃, some metals, 3-MCPD (monochloropropane-1, 2-diol), dioxins, PCBs and polycyclic aromatic hydrocarbons.

Your importer may ask for documentation that your product observes the maximum level.

You will find the levels for specific food in the Commission Regulation (EC) No 1881/2006 of 19 December 2006 setting maximum levels for certain contaminants in foodstuffs (Text with EEA relevance), see

http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/l_364/l_36420061220en00050024.pdf

3.5 Quality

Quality in the EU sense is a set of parameters that must be fulfilled for some species of fresh fruit and vegetables when entering and traded in the EU. The special minimum requirements concerning the quality of 40 species of fresh fruit and vegetables and the included species can be seen in table 1. The parameters include shape, size, colour, maturity and damages. Culinary quality factors are not taken into account.

All other species of fruit and vegetables may be traded as agreed between seller and buyer, and other quality standards (e.g. UN-ECE, CODEX or the OECD brochures) may form the basis of the trade. Some supermarket chains have higher requirements than any of these standards.

Table 3. Fruit and vegetables included in the EU quality standards.

• apples	• (cut flowers)	• peaches
• apricots	• cucumbers	• peas (in pod)
• artichokes	• courgettes	• pears
• asparagus	• garlic	• plums
• aubergines	• hazel nuts in shell	• satsuma's (citrus fruit)
• avocados	• headed cabbage	• spinach
• bananas	• kiwis	• sprouts
• beans	• leeks	• strawberries
• carrots	• lemons (citrus fruit)	• sweet peppers
• cauliflower	• lettuce and endive	• table grapes
• celery	• mandarins (citrus fruit)	• tangerines
• champignons	• melons	• tomatoes
• cherries	• nectarines	• walnuts in shell
• chicory	• onions	• water melons
• clementine's (citrus fruit)	• oranges (citrus fruit)	• wilkings (citrus fruit)

Products intended for industrial use (e.g. jam, pickles, juice etc.) are not included in the quality standards, but must be clearly labelled 'For industrial use'. A special certificate will be issued at the outer border of the EU.

See also Appendix 1.

3.5.1 General principles

All international quality standards include a set of minimum requirements. The product must be

- intact (no parts missing, no damages),
- free of bruising and/or extensive healed-over cuts,
- sound; produce affected by rotting or deterioration such as to make it unfit for consumption is excluded,
- clean, practically free of any visible foreign matters,
- practically free from pests,
- practically free from damage caused by pests,
- free of abnormal external moisture,
- free of any foreign smell and/or taste.

Other specific requirements are included for each species.

EU, UN-ECE, OECD and CODEX generally agree on the content matter of the standards, but there are minor differences. Check carefully if a trade agreement is entered based on a standard that is different from the one to which you usually refer.

3.5.2 Important quality characteristics

Maturity requirements

Some species of fresh fruit mature after they are picked. Others do not develop after picking. For those that develop, a maturity level must have been reached at harvest time that ensures that the produce can develop into a fully ripe and attractive product when it is sold to the final consumer. The maturity at picking may be defined as the sugar content or dry matter content.

Pests

Fresh fruit and vegetables must be practically free from pests. The definition 'practically' is open for interpretation, but it generally means that the produce must not deteriorate because of the pests.

Injuries

Injuries may be physical or induced by chilling. Physical injuries are entries for decay and must not occur. Some species (e.g. avocados) are sensitive to chilling injuries.

Foreign matter

Foreign matter may be dead leaves, soil, bits of packaging materials or even sulphur pads for table grapes. As for citrus fruit, a few ornamental leaves may be accepted.

Size

Most species must be size graded. Size may be measured as diameter, length or weight, or as number of items in a standard box. See example Appendix 1



3.6 The requirements for sorting and packaging

The EU quality standards specify class (Extra, I or II) and for most species also size. For species not included in the EU standards, quality classes and sizing may be agreed upon between the seller and the buyer.

Fresh fruit and vegetables included in the EU standards may be packed in bulk (loose in the box), as layers in the box or in sales packages (for the consumer). Each package must be labelled, except for boxes that contain sales packages, which must be visible from the outside when the boxes are stacked on a pallet.

Other species may be sorted and packed as agreed upon between the seller and the buyer.

During transport and storage, fresh fruit and vegetables may be kept in cold stores and in storage facilities where the atmosphere has been altered. Alterations may be a controlled atmosphere as long as this is in accordance with the food hygiene legislation. This can be a reduction of oxygen, an increase of carbon dioxide or an increase of nitrogen. Furthermore the air humidity may also be controlled.

Table grapes are often transported in packages with sulphur dioxide pads which ensure that fungus growth is limited.

A controlled atmosphere during storage is commonly used, e.g. for apples, bananas and for other climacterical fruits (fruits that mature after having been harvested) to avoid undue ripening.

3.6.1 Specific examples of sorting and packaging

Packages (for species of the EU quality standards)

Containers are not defined as packages and need not be labelled. Information about the contents must be in an accompanying document. All other boxes or bags must carry information about the products inside the package.

Boxes (packages) containing several items of fruit or vegetables may be used as the base for an advertisement.

Products marketed in tubs and envelopes (often used for punnets of strawberries or paper funnels for table grapes) are regarded as unpacked, as the consumer may remove parts of the contents without opening the package.

Individual pieces of fruit or vegetables may be wrapped in foil or paper. Even though they are sold individually, and thus can be regarded as in bulk, it is advised that these products are labelled.

Mixtures of species or varieties may be packed together, provided the consumer is able to identify each item, and the label carries the full information for each item. All items in a package must be of the same quality class. Mixed packages cannot weigh more than 3 kilos. Mixed packages may contain species included in the EU Quality standards mixed with other species. All items in the package must be of similar quality (e.g. class I or similar, if no standard is available).

Sizing

Sizing may be according to the weight of the individual item, or length, or diameter.



3.7 The requirements for labelling

For species included in the EU standards and sold to consumers, the following information is required:

- Packer's name and address (the internet address is not enough)
- Quality class (Extra, I or II)
- Size class (for some species)
- Variety name (for some species)
- Type (for some species)
- Production under glass or outside (for some species)

See chapter 3.5 Quality - table 13, and chapter 3.7.1 for details about labelling for the species included in the EU standards.

Fresh fruit and vegetables are the only food items for which content labelling and sell by date (or 'best before') do not apply.

All fresh fruit and vegetables must carry special lot identification. The identifier must be preceded by the letter L. The lot number makes it possible to identify the unit that may be withdrawn if problems arise with the product.

Fruit and vegetables (if not processed, i.e. cut more than a simple trimming) need no information about surface treatment, apart from Citrus fruit which may have a surface treatment that includes biphenyl, diphenyl, orthophenyl phenol or sodium orthophenyl phenol. If these compounds are included in the surface treatment, this must be declared on the labels.

Controlled atmospheres used during transport or in closed packages are also exempted from labelling – i.e. they need not be declared.

For species not covered by the EU quality standards, sales packages must as a minimum carry information about 1) the species (i.e. avocados, oranges) and 2) country of origin (i.e. Kenya) and the weight in the package (kilos or pieces) and 3) the lot identification. No last sales date or 'best before' is required for fresh fruit and vegetables.

3.7.1 Specific examples of labels

<i>Required information for species included in the EU quality standards</i>	<i>An example of a complete label may look like this:</i>	<i>If the packer has an agreement with a specific supermarket chain inside the EU, the label may look like this: In this case the supermarket must be able to identify the packer.</i>
Species	Avocados	Avocados
Variety name	Hass	Hass
Country of origin	Country of origin: Kenya	Country of origin: Kenya
Size class	Size 16	Size 16
Quality class	Class I	Class I
Lot number	L 12345	L 12345
Packed for...		Packed for Supermarket X, Aarhus, Denmark
Packed by...	Packed by A. Jones, 17 Main Street, Nairobi.	Packer no. 1234

Labels must be in the language of the retail market as they are information for the consumer, so collaboration about labelling with the importer inside the EU may be advised.

Lot sizes are determined by the packer. Should problems arise with some products, the lot is the unit that may be queried.

Products for industrial purposes

The quality standards do not apply to products sold for industrial purposes (for jam, pickling or other processing), but the products must be accompanied by a special document (Appendix II of Commission Regulation (EC) No 1148/2001 of 12 June 2001 covering checks on conformity to the marketing standards applicable to fresh fruit and vegetables (OJ L 156, 13.6.2001, p. 9) http://europa.eu.int/eur-lex/en/consleg/pdf/2001/en_2001R1148_do_001.pdf) at entry into the EU. The document specifies that the products are for industrial purposes and cannot be sold directly to the consumers. The document may be issued by the plant inspectors at the point of entry.

3.8 GMO

All food items containing genetically modified organisms (GMO) must be labelled with this information if marketed within the EU. The label must contain the words 'genetically modified'. The EU has traceability, information and labelling requirements for food and food products produced from GMOs.

For further information, see the Commission Regulation (EC) No 641/2004 of 6 April 2004 on detailed rules for the implementation of Regulation (EC) No 1829/2003 of the European Parliament and Council regarding the application for the authorisation of new genetically modified food and feed, the notification of existing products and adventitious or technically unavoidable presence of genetically modified material which has benefited from a favourable risk evaluation (Text with EEA relevance),

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32004R0641:EN:HTML>

Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed (Text with EEA relevance),

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32003R1829:EN:HTML>

Regulation (EC) No 1830/2003 of the European Parliament and of the Council of 22 September 2003 concerning the traceability and labelling of genetically modified organisms and the traceability of food and feed products produced from genetically modified organisms and amending Directive 2001/18/EC,

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32003R1830:EN:HTML>

3.9 Novel food

Novel foods are foods and food ingredients which have not hitherto been used for human consumption to a significant degree within the Community.

Where necessary, it may be determined in accordance with the procedure laid down in the regulations whether a type of food or food ingredient falls within the definition or not.

The person responsible for placing the produce on the Community market shall submit a request to the Member State in which the produce is to be placed on the market for the first time. Your importer might be helpful with this.

Additional specific labelling must apply to novel food.

The placing of novel food or novel food ingredients on the market within the Community are regulated in Regulation No. (EC) No 258/97 of the European Parliament and of the Council of 27 January 1997 concerning novel food and novel food ingredients,

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31997R0258:EN:HTML>



3.10 Radioactive contamination

The EU Member States are aware of the risk of radioactive contamination. Some rules are laid down in the legislation, e.g. the Commission Regulation (Erratum) No 944/89 of 12 April 1989 laying down the maximum permitted levels of radioactive contamination in minor foodstuffs following a nuclear accident or any other case of radiological emergency,

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31989R0944:EN:HTML>

Council Regulation (Erratum) No 3954/87 of 22 December 1987 laying down the maximum permitted levels of radioactive contamination of foodstuffs and of feeding stuffs following a nuclear accident or any other case of radiological emergency,

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31987R3954:EN:HTML>

3.11 Irradiation

Irradiation is not accepted for fresh fruit and vegetables produced inside the EU, but no restrictions apply to fruit and vegetables produced in third countries, as long as the treatment is carried out outside the EU and if they are accompanied by a certificate from an approved irradiation facility in a third country (see the list of approved facilities http://eur-lex.europa.eu/LexUriServ/site/en/oj/2004/l_314/l_31420041013en00140015.pdf).

3.12 Organic produce

To export organic produce it is a demand that the producer is approved for organic farming. The approving procedure depends on whether the exporting country has been granted equivalence by the EU Commission or not.

Equivalence is granted after a review made by the EU Commission of the national authority and the national certification of organic farms.

If your country has not been granted equivalence by the EU Commission the exporter will have to find out if there is an organisation in the country (private or public) approved by the authority of the EU Member States to carry out the control.

All kinds of organic food and foodstuffs have to be announced before arriving at the border of the EU, and there will be a control at the border before the food or foodstuffs are allowed entrance.

Organic produce may be called "Organic" and / or may carry a special label. The EU label indicates that all links from the grower forwards on to the producer(s) have been certified by an authority which has been granted equivalence by the EU.

See http://europa.eu.int/eur-lex/en/consleg/pdf/1992/en_1992R0094_do_001.pdf.



The EU Organic Farming Label

Private and national labels may also be applied after mutual agreement.

A new regulative which will apply from January 1st 2009 is on its way.

Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:189:0001:01:EN:HTML>

The rules on import / export of processed food, however, are not expected to change essentially except that the use of the official EU label may be mandatory.

3.12.1 Equivalence has been obtained by your country

Equivalence has (in 2006) been obtained by Argentina, Australia, Costa Rica, Israel, Switzerland and New Zealand.

This means that processed food which is approved as organic by the authority in these countries is automatically approved by the authority of the EU Member States.

3.12.2 Equivalence has not been obtained by your country

If the export country is not on the list of countries which have obtained equivalence, the specific product from a specific farm or factory has to be controlled by a local controlling organisation approved by the authority of the EU Member States. The local organisation can be private or official. If your product is controlled and approved to be organic by this local control organisation, the product may be exported and sold to all EU Member States.

In the case where it is not possible to appoint a local organisation to carry out the control of an individual company, the EU commission can as an exception carry out the control.

Countries which have not obtained equivalence may apply to the EU Commission for approval.

For further information, see,

http://europa.eu.int/eur-lex/en/consleg/pdf/1992/en_1992R0094_do_001.pdf

http://ec.europa.eu/comm/agriculture/ofis_public/index.cfm.

3.12.3 Use of pesticides and other chemicals in organic production

Use of pesticides and other chemicals is limited for organic produce (see COUNCIL REGULATION (EEC) No 2092/91 of 24 June 1991 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs (OJ L 198, 22.7.1991, p. 1) <http://eur-lex.europa.eu/LexUriServ/site/en/consleg/1991/R/01991R2092-20060506-en.pdf> with later amendments). Permitted compounds are listed. Carbon dioxide and Nitrogen are listed as permitted, so some types of controlled atmospheres are possible during storage of organic fruit and vegetables. More links can be found in chapter 7: Links to main EU legal documents.



4. Entry into the EU

Goods sent to EU Member States are inspected at the first point of entry into the EU (harbour or airport). If released by the inspection services, the produce may be traded freely throughout the EU member states.

The importer must notify the NPPO and Customs authorities of the Member State with information about the arriving consignment. Inspections may be carried out at the port of entry, but may also be deferred to the place of destination (e.g. the importer's warehouse or place of production), provided that the place of destination has been approved as suitable for inspection.

The member state may decide not to inspect some consignments.

Upon arrival into the EU, the produce must be in accordance with the standards. Deterioration during transport to the EU is not taken into account at the inspection.

The exporter is responsible for ensuring that the produce arrives in good condition. This may include cold storage, storage in a controlled atmosphere etc.

If the produce is not in accordance with the EU standards, the consignment may

- 1) be denied entry,
- 2) may be downgraded,
- 3) may be re-sorted so that the best parts are allowed to enter the EU, or
- 4) may be returned or destroyed.

Produce not in accordance with the quality standards may also be reclassified into industrial products which can only be used for processing purposes (jam etc.) inside the EU.

If consignments are from areas listed in Annex V, Part B, (see chapter 3.1.4) the importer must notify the plant health authority at the point of entry into the EU before a deadline specified by the Member State where the product enters the EU. All such consignments are inspected. EU legislation allows, however, that Member States inspect some specified genera of cut flowers, fruit and timber from certain areas at a reduced frequency.

If pests are found in a consignment, the entire consignment or parts of it will be denied entry or destroyed or, in exceptional cases, be subjected to a sanitizing treatment, all at the cost of the owner of the consignment.

5. Procedure at the EU border

When a consignment is expected, the importer notifies the national inspection body. Inspections are carried out according to a risk analysis. A certificate is issued by the EU inspectors for all consignments of products included in the EU quality standards. This document is needed before the customs service may release the produce into the market.

The quality inspection organisations in some countries (e.g. Egypt, India, Israel, Kenya, Morocco, Senegal, Switzerland, South Africa and Turkey) have been assessed by the EU, and products from these countries are inspected less often at the points of entry.

A Phytosanitary Certificate from the country of origin is required for some species. Products that are not included in the EU quality standards and which do not require a Phytosanitary Certificate may be released by the Customs authority without further documentation.

6. Import fee

The importer may have to pay a fee for the import procedures and inspections, and the importer also pays a phytosanitary fee for each consignment imported, varying according to the commodity, category and volume. The fee may vary among the EU Member States, as some Member States adhere to the EU minimum standard fee while others collect a nationally established fee.

Information about the fee in each country may be obtained from the national inspection authority.



7. Links to the main EU legal documents

Phytosanitary requirements (including lists of products and areas for which there are restrictions – that is special requirements for information on the phytosanitary certificate):

<http://eur-lex.europa.eu/LexUriServ/site/en/consleg/2000/L/02000L0029-20060414-en.pdf>

Further information about the phytosanitary legislation may be found at:

http://ec.europa.eu/food/plant/index_en.htm

General hygiene

Food hygiene (rules for food, also valid for primary producers):

http://eur-lex.europa.eu/LexUriServ/site/en/oj/2004/l_226/l_22620040625en00030021.pdf

HACCP (a standard for quality assurance often used in food production):

<http://www.fao.org/docrep/w8088e/w8088e00.htm>

Pest and pesticide residues (EU is very restrictive regarding pesticide residues):

http://ec.europa.eu/food/plant/protection/pesticides/legislation_en.htm

List of NPPOs (National Plant Protection Organisations):

<https://www.ippc.int/IPP/En/nppo.jsp>

Surface treatments (EU is restrictive regarding surface treatments):

http://ec.europa.eu/food/fs/sfp/addit_flavor/flav11_en.pdf

Pesticide residues (a large list of acceptable amounts of pesticide residues in many different products):

http://ec.europa.eu/food/plant/protection/resources/mrl_crop.pdf

Pamphlets with information about many of the banned pests are available

<http://www.defra.gov.uk/planth/qic.htm>

Regulation (EC) No 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC with EEA relevance,

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32005R0396:EN:HTML>

Commission Regulation (EC) No 178/2006 of 1 February 2006 amending Regulation (EC) No



396/2005 of the European Parliament and of the Council to establish Annex I listing the food and feed products to which maximum levels for pesticide residues apply (Text with EEA relevance),

<http://eur-ex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:029:0003:01:EN:HTML>

Council Directive 86/362/EEC of 24 July 1986 on the fixing of maximum levels for pesticide residues in and on cereals,

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31986L0362:EN:HTML>

Council Directive 90/642/EEC of 27 November 1990 on the fixing of maximum levels for pesticide residues in and on certain products of plant origin, including fruit and vegetables,

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31990L0642:EN:HTML>

For more information,

http://ec.europa.eu/food/plant/protection/pesticides/legislation_en.htm

Food additives

Food additives (including a list of chemicals that are classified as food additives and which may be used as surface treatment on fruit and vegetables):

http://ec.europa.eu/food/fs/sfp/addit_flavor/flav11_en.pdf

General requirements for quality, packaging and the basis for import of fresh fruit and vegetables included in the EU quality standards:

http://europa.eu.int/eur-lex/en/consleg/pdf/2001/en_2001R1148_do_001.pdf

EurepGAP (a standard for production often required by the retail organisations in the EU):

http://www.eurepgap.org/fruit/Languages/English/index_html

Quality standards for individual species:

EU standards (must be fulfilled at the point of entry into the EU):

<http://www.rpa.gov.uk/rpa/index.nsf/UIMenu/6332FD65A87EFA178025712A00439A33?OpenDocument> (the British information site)

OECD-brochures (interpretive pictures and explanations):

http://www.oecd.org/document/4/0,2340,en_2649_33907_36311492_1_1_1_1,00.html

UN-ECE standards (a set of voluntary standards – may be used as an agreement between the seller and the buyer):

http://www.unece.org/trade/agr/standard/fresh/fresh_e.htm

CODEX standards (a set of voluntary standards – may be used as an agreement between the seller and the buyer):

http://www.codexalimentarius.net/web/standard_list.do?lang=en

Irradiation

Approved irradiation facilities in countries outside the EU (irradiated products are only accepted into the EU from these facilities):

http://eur-lex.europa.eu/LexUriServ/site/en/oj/2004/l_314/l_31420041013en00140015.pdf

Organic produce

Organic produce (the legal basis that applies for the use of the eco-label on products from third countries within the EU):

<http://eur-lex.europa.eu/LexUriServ/site/en/consleg/1991/R/01991R2092-20060506-en.pdf> with later amendments

Equivalence of countries for export of organic produce to the EU (some countries have been approved by the EU and the produce is therefore inspected less often than produce from other third countries):

http://europa.eu.int/eur-lex/en/consleg/pdf/1992/en_1992R0094_do_001.pdf

Appendix 1.

Minimum size and label information; please read the full text in the quality standard for further explanation and possible changes. E: Extra class; I: Class I; II: Class II.

Species	Classes allowed	Minimum size	Variety or type on the label	Mini-products allowed
Apples	E, I and II	65 mm in diameter for large fruited; 55 mm in diameter for small fruited	E, I and II: Variety	
Apricots	E, I and II	30 mm	E and I: Variety	
Artichokes	E, I and II	6 cm	E: Spinoso if relevant	
Asparagus	E, I and II	8 mm in diameter for white; 3 mm in diameter for green; 12 cm long for all types		
Aubergines	I and II	100 g or 40 mm in diameter for oblong; 70 mm in diameter for round		Yes
Avocados	E, I and II	125 g, 80 g for Hass	E, I and II: Variety	
Bananas (green)	E, I and II	14 cm long, 27 mm diameter;	E, I and II: Variety or type	
Beans	E, I and II	Max 6 mm for very fine; Max 9 mm for fine; Max 12 mm for Medium (not in E)		
Carrots	E, I and II	10 mm in diameter or 8 g for early carrots; 20 mm in diameter or 50 g for late carrots	E: Variety or type	
Cauliflower	E, I and II	11 cm in diameter	E, I and II: Type or Variety if not white or crème coloured	Yes
Celery	I and II	150 g		
Cherries	E, I and II	17 mm in diameter	E, I and II: Variety must be stated for varieties losing their stalk	
Chicory	E, I and II			
Clementine (citrus)	E, I and II	53 mm in diameter		
Courgettes	I and II	7 cm long or 50 g		Yes
Cucumbers	E, I and II	180 g (250 g from glasshouse)		Yes
Garlic	E, I and II	30 mm in diameter	E, I and II: Variety or type	
Hazelnuts	E, I and II	14 mm in diameter	E and I: Variety or type	
Headed cabbage	I and II	350 g		Yes
Kiwi	E, I and II	65 g		
Leeks	I and II	8 mm in diameter for new leeks; 10 mm in diameter for other leeks		
Lemons (citrus)	E, I and II	45 mm in diameter	Type	
Lettuce	I and II	Headed lettuce: 100 g; Iceberg: 200 g; Leaf lettuce: 100 g; Endive: 150 g		
Mandarins	E, I and II	45 mm in diameter	Species	

Species	Classes allowed	Minimum size	Variety or type on the label	Mini-products allowed
Melons	I and II	250 g or 7.5 cm in diameter for Charentais, Ogen and Galla; 300 g or 8.0 cm in diameter for other melons	I and II: Type	
Mixed packages	E, I and II (all species must be the same class)	Species specific	Species specific	Yes
Mushrooms	E, I and II	15 mm in diameter		
Nectarines (and peaches)	E, I and II	51/56 mm diameter or 16/17.5 cm circumference	E and I: Variety	
Onions	I and II	10 mm in diameter		
Oranges (citrus)	E, I and II	53 mm in diameter	Variety;	
Peaches (and nectarines)	E, I and II	51/56 mm diameter or 16/17.5 cm circumference	E and I: Variety	
Pears	E, I and II	55 mm in diameter for large fruited; 45 mm in diameter for small fruited	E, I and II: Variety	
Peas in pod, including sugar snaps	I and II			
Plums	E, I and II	30 mm in diameter for large fruited; 25 mm in diameter for others	E, I and II: Variety	
Spinach	I and II			
Sprouts	I and II	15 mm in diameter for not trimmed; 10 mm in diameter for trimmed		
Strawberries	E, I and II	22 mm in diameter for Gariguettes; 18 mm in diameter for other varieties	E, I and II: Variety for Primella and Gariguettes	
Sweet pepper	I and II	20 mm in diameter for oblong; 50 mm in diameter or block formed; 40 mm in diameter for pointed; 55 mm in diameter for flat	Yes	
Table grapes	E, I and II	75 g in a bunch	E, I and II: Variety	
Tomatoes	E, I and II	35 mm in diameter for round or ribbed; 30 mm in diameter for oblong	Cherry and cocktail tomatoes may be smaller, and must be labelled with the type	
Walnuts	I and II	24 mm in diameter	E: Variety; I: Variety or type	
Watermelons	I and II	1.5 kg		

Appendix 2 List of Acronyms

Danida – Danish International Development Assistance

DIPP - Danish Import Promotion Programme

EC - European Commission

EEA - European Environment Agency

EU - European Union

EurepGap - Euro-Retailer Produce Working Group - Goods Agricultural Practices

FAO – Food and Agriculture Organisation

GMO - Genetically modified organisms

HACCP - Hazard analysis and critical control points

IPPC - International Plant Protection Convention

MRL - maximum residue level

NPPO - National Plant Protection Organisation

OECD – Organisation for Economic Co-operation and Development

OFIS - Organic Farming Information System

UN – ECE United Nations Economic Commission for Europe

Published by

The Danish Import Promotion Programme DIPP

Design by

Himmelblaa ApS

www.himmelblaa.dk

Print

Chronografisk A/S

February 2008

ISBN

978-87-988548-3-8

Danida



The Ministry of Foreign Affairs
The Danish International Development Assistance Danida
Asiatisk Plads 2
DK-1448 Copenhagen K
Denmark
Tel.: +45 3392 0000
Fax: +45 3254 0533
Internet: www.um.dk, www.danida.dk
e-mail: um@um.dk

Danish
Chamber
of Commerce

DIPP
Danish Import
Promotion
Programme

The Danish Chamber of Commerce
The Danish Import Promotion Programme DIPP
Boersen
Slotsholmsgade
DK-1217 Copenhagen K
Denmark
Tel.: +45 3374 6000
Fax: +45 3374 6080
Internet: www.dipp.eu
e-mail: dipp@danskerhverv.com