



29.9.2015

## NOTICE TO MEMBERS

**Subject: Petition No 1788/2014 by Maxie Schlemmer-Schmidbauer (German), on offering second-class fruit and vegetables in supermarkets**

### 1. Summary of petition

The petitioner advocates the introduction of rules which would allow fruit and vegetables which do not meet the required standards to be sold in greengrocer's shops and supermarkets, to prevent them from being destroyed. According to the petitioner, large amounts of fruit and vegetables are destroyed every day because they do not meet the highest standards. As not everyone has the opportunity to buy fruit and vegetables directly from a farmer, supermarkets and greengrocer's shops should be permitted to sell fruit and vegetables which do not meet these standards. The petitioner is convinced that there are many people who would want to buy these fruit and vegetables, which could be offered at a lower price. The petitioner also claims that fruit and vegetables which do not meet the standards taste better.

### 2. Admissibility

Declared admissible on 11 June 2015. Information requested from Commission under Rule 216(6).

### 3. Commission reply, received on 29 September 2015

The European Union applies marketing standards for fruits and vegetables produced in and imported into the EU in order to promote quality and facilitate trade. In addition retailers may establish their own private standards in order to facilitate storage and distribution of products of regular size and shape.

EU legislation governing the size and shape of many fruit and vegetables ceased to exist on 1 July 2009 when specific marketing standards for 26 types of fruit and vegetables were

repealed<sup>1</sup>.

For 10 types of fruit and vegetables<sup>2</sup> specific marketing standards remain in place<sup>3</sup>. However, Member States can allow shops to sell products that do not respect the standards as long as they are labelled appropriately so that consumers can differentiate them from those categories defined by marketing standards (e.g.: 'extra', 'class I' and 'class II' fruit).

The new EU rules allow national authorities to permit the sale of all fruit and vegetables, regardless of their size and shape.

In various countries, marketing campaigns have been conducted to promote the purchase of imperfect fruits and vegetables<sup>4</sup> and/or their re-use in food processing (e.g.: soups<sup>5</sup>).

Since 2012 the European Commission has been working actively with Member States and stakeholders to identify best possible actions to take at EU level to fight food waste. The Commission's website dedicated to food waste prevention<sup>6</sup> outlines EU actions against food waste including materials to support awareness raising in Member States and promotes dissemination of good practices in food waste reduction and prevention.

The European Commission is monitoring actively social innovation initiatives to reduce food waste along the whole food chain both through its active dialogue with stakeholders<sup>7</sup> and through EU research projects such as the FP7 project FUSIONS<sup>8</sup>.

The FUSIONS project has launched seven social innovation feasibility studies<sup>9</sup> which will evaluate how social innovation can help to reduce food waste in view of promoting best practice. Projects will investigate, amongst others, ways of preserving and adding value to raw unsold fruit and vegetables and supporting the creation of national gleaning networks (to redistribute fruit and vegetables which would otherwise be wasted from farm level to charities) through development of best practice guidance.

The European Commission is also carrying out a behavioural study on food choices and eating habits in the context of EXPO 2015<sup>10</sup>. One of the aims of this study will be to examine how consumer acceptance of imperfect fruit and vegetables can be improved.

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1 Regulation (EC) No 1580/2007 laying down implementing rules for the fruit and vegetable sector, including as regards marketing standards, has been amended by Regulation (EC) 1221/2008, applying from 1 July 2009 onwards.

2 Apples, citrus fruit, kiwi fruit, lettuces, peaches and nectarines, pears, strawberries, sweet peppers, table grapes and tomatoes.

3 Commission Implementing Regulation (EU) No 543/2011 of 7 June 2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors. For more information on marketing standards for fruit and vegetables in the EU, see [http://ec.europa.eu/agriculture/fruit-and-vegetables/marketing-standards/index\\_en.htm](http://ec.europa.eu/agriculture/fruit-and-vegetables/marketing-standards/index_en.htm).

4 eg Intermarché *Inglorious Fruits & Vegetables* <http://itm.marcelww.com/inglorious/>; *Les Gueules Cassées* <http://lesgueulescassees.org/>; *Ugly Fruits campaign in Germany* <http://www.uglyfruits.eu/>

5 *Kromkrommer initiative in the Netherlands* <http://www.kromkommer.com/english>

6 [http://ec.europa.eu/food/safety/food\\_waste/index\\_en.htm](http://ec.europa.eu/food/safety/food_waste/index_en.htm)

7 [http://ec.europa.eu/food/safety/food\\_waste/eu\\_actions/stakeholders/index\\_en.htm](http://ec.europa.eu/food/safety/food_waste/eu_actions/stakeholders/index_en.htm)

8 <http://www.eu-fusions.org/>

9 <http://www.eu-fusions.org/index.php/social-innovations/fusions-feasibility-studies>

10 Milan Expo 2015: "A behavioural study on food choices and eating habits" (publication expected by end 2015)

## Conclusion

Current EU rules permit Member States to allow the marketing of misshapen fruits and vegetables provided that their presentation is not misleading for consumers. In co-operation with Member States and stakeholders, the Commission aims to promote good practices to prevent food waste including social innovation to facilitate use of misshapen fruit and vegetables in the food supply chain and by consumers.