

# **The origin labelling of “ready to eat” and “kitchen ready” products**

## **Issues paper**

This working document is provided by DG AGRI for the purposes of discussion of possible options for the review of Commission Regulation (EU) No 543/2011. It does not reflect the official position of the Commission.

### **1. Context**

The Fruits and Vegetables sector addressed us a request to clarify Article 4(1)(d) of Commission Implementing Regulation (EU) No 543/2011<sup>1</sup> regarding the origin labelling of “ready to eat” and “kitchen ready” products.

### **2. Legal framework**

Article 3(1) of Regulation (EU) No 543/2011 establishes the general framework regarding marketing standards for fruit and vegetables dividing the sector into categories of products that must comply with the general marketing standard or with one of the specific marketing standards that are respectively set out in Parts A and B of Annex I to the same regulation.

Article 3(2) of Regulation (EU) No 543/2011 allows to consider that fruit and vegetables in conformity with any applicable standards adopted by the United Nations Economic Commission for Europe (UNECE) as conforming to the general marketing standard.

Any of these marketing standards sets as a minimal requirement that fruit and vegetables must be intact which is not the case when they have undergone a trimming or cutting making them ‘ready to eat’ or ‘kitchen ready’. This is why the legislator introduced an exemption from the application of marketing standards for those specific products in Article 4(1)(d) of Regulation (EU) No 543/2011 to take into account this evolution of the market. In this case, the product falls under Regulation (EU) No 1169/2011<sup>2</sup> of the European Parliament and of the Council on food information to consumers, meaning the labelling of the country of origin is not mandatory.

In addition to that, Article 4(6) of Regulation (EU) No 543/2011 lists a number of products for which the general marketing standard does not apply.

Furthermore, Article 7(3) of Regulation (EU) No 543/2011 provides an exception to the rules of labelling applicable to the marketing of packages of a net weight of 5 kg or less containing mixes of different species of fruits, of vegetables or of fruits and vegetables as follows:

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<sup>1</sup> OJ L 157, 15.6.2011, p. 13

<sup>2</sup> OJ L 304, 22.11.2011, p. 18

“3. If the products in a mix originate in more than one Member State or third country, the full names of the countries of origin may be replaced with one of the following, as appropriate:

- (a) ‘mix of EU fruit’, ‘mix of EU vegetables’ or ‘mix of EU fruit and vegetables’;
- (b) ‘mix of non-EU fruit’, ‘mix of non-EU vegetables’ or ‘mix of non-EU fruit and vegetables’;
- (c) ‘mix of EU and non-EU fruit’, ‘mix of EU and non-EU vegetables’ or ‘mix of EU and non-EU fruit and vegetables’.”

It should be noticed that there is currently no definition of “kitchen ready” or “ready to use” products in Regulation (EU) No 543/2011.

In this context “washed” products may not be exempted from the labelling rules, even when vacuum packed, as they are not covered by Article 4(1)(d) of Regulation (EU) No 543/2011.

### **3. Issues**

On the one hand, the industrial fruit and vegetables sector distributing “ready to eat” and “kitchen ready” products complains about the complexity of a legal framework that raises legal uncertainty for the origin labelling. It also encounters difficulties in managing the origin labelling in an industrial context where the origin of products is possibly changing for each truck of fruits or vegetables entering the production/packaging chain. They would welcome clarity and security in the business.



On the other hand, informing consumers about the origin of products is a key point in EU marketing standards for fruits and vegetables. In the context of the ‘Farm to fork’ policy, one of the objectives is to encourage short circuits, which is only possible on an informed basis.




### **4. Conclusion:**



In the context of the complexity of the legal framework for the labelling of fruits and vegetables, it has to be analysed on a case-by-case basis whether any exemption listed above applies to specific products. Ten examples of this complexity are provided with Commission comments. We propose to Member States to provide us with their own views on them to prepare the debate we would like to have during the meeting.

## ANNEX




**10 examples of “ready to eat” and “kitchen ready” products that can be found on the market and for which we propose to discuss the labelling of the origin**

Description of the product	EU comment on labelling	MS comment on labelling
<p>1. Baby leaf, cut from roots during harvest, washed, mixed.</p> 	<p>The standard of Part 4 of Part B of Annex I of Commission Implementing Regulation (EU) No 543/2011 for lettuces, curled-leaved endives and broad-leaved (Batavian) endives does not apply to “produce for industrial processing, produce presented as individual leaves, lettuces with root ball or lettuces in pots”. Therefore, it falls under Regulation (EU) No 1169/2011 on food information to consumers.</p>	
<p>2. Spinach, cut from roots during harvest and washed.</p> 	<p>The product has been cut, it could thus be exempted from the marketing standards as referred to in Article 4(1)(d) of Regulation (EU) No 543/2011 and falls under Regulation (EU) No 1169/2011 on food information to consumers. Another possibility is to consider UNECE Standard FFV-58 concerning the marketing of leafy vegetables that may be presented as single leaves or as rosettes. In that case, the general marketing standard applies to this product, including labelling of the country of origin.</p>	

<p>3. Iceberg salad washed and cut.</p> 	<p>The product has been cut, it is thus exempted from the marketing standards as referred to in Article 4(1)(d) of Regulation (EU) No 543/2011 and falls under Regulation (EU) No 1169/2011 on food information to consumers.</p>	
<p>4. Mixed salad washed and cut.</p> 	<p>The product has been cut, is thus exempted from the marketing standards as referred to in Article 4(1)(d) of Regulation (EU) No 543/2011 and falls under Regulation (EU) No 1169/2011 on food information to consumers.</p>	
<p>5. Carrots washed and shredded.</p> 	<p>The product has been shredded, is thus exempted from the marketing standards as referred to in Article 4(1)(d) of Regulation (EU) No 543/2011 and falls under Regulation (EU) No 1169/2011 on food information to consumers.</p>	

<p>6. Mix of salads, fruits and nuts washed and mixed.</p> 	<p>Pecan nuts fall under the derogation from the marketing standards for products listed in Article 4(6) of Commission Implementing Regulation (EU) No 543/2011 given the fact that it is listed in its letter (j). Therefore, it falls under Regulation (EU) No 1169/2011 on food information to consumers. Article 4(1)(d) of Regulation (EU) No 543/2011 applies to strawberries and spinach which have been cut, unless for spinach, we consider UNECE marketing standard as mentioned above. For blueberries, the general marketing standard applies. However, Article 7(3) of Regulation (EU) No 543/2011 provides an exception to the rules of labelling for mix of different fruits.</p>	
<p>7. Fruit salads washed and cut.</p> 	<p>On the first picture, blueberries have not been cut or shredded and therefore must comply with the conditions foreseen in the general marketing standard. The other fruits have been cut, are thus exempted from the marketing standards as referred to in Article 4(1)(d) of Regulation (EU) No 543/2011 and fall under Regulation (EU) No 1169/2011 on food information to consumers.</p> <p>On the second picture, all the fruits appear to be trimmed or cut. Therefore, the mix is exempted from the marketing standards as referred to in Article 4(1)(d) of Regulation (EU) No 543/2011 and falls under Regulation (EU) No 1169/2011 on food information to consumers.</p>	

## Point 2

<p>8. Broccoli cleaned and washed.</p> 	<p>On the picture, broccoli appears to be cut. Therefore, the product is exempted from the marketing standards as referred to in Article 4(1)(d) of Regulation (EU) No 543/2011 and falls under Regulation (EU) No 1169/2011 on food information to consumers.</p>	
<p>9. Brussels sprouts cleaned and washed.</p> 	<p>The general marketing standard applies to this product, including labelling of the country of origin.</p>	
<p>10. Beans cleaned and washed.</p> 	<p>On the picture, beans are also trimmed and cut. Therefore, the product is exempted from the marketing standards as referred to in Article 4(1)(d) of Regulation (EU) No 543/2011 and falls under Regulation (EU) No 1169/2011 on food information to consumers.</p>	