



MARKET ACCESS GUIDELINES: EUROPEAN UNION



FRUITS & VEGETABLES SECTOR

Prepared by:
Export Development Board (EDB), Sri Lanka
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1. ABOUT MARKET ACCESS

EU market access requirements are an important part of international trade; compliance is a prerequisite on the EU markets.

Market Access Requirements that are established by EU or national legislation form the minimum requirements with which products (or services) have to comply, will they be allowed entry on the EU market. Products that do not comply will not be allowed. EU buyers will therefore require exporters to **at least** comply with the requirements laid down in EU legislation and, if applicable, with the additional national legislation of EU Member States and Norway.

2. NON TARIFF BARRIERS

a. CONSUMER HEALTH AND SAFETY MANAGEMENT

If you want to export food products to the EU, you have to take into account that above all, your products meet safety requirements that are equivalent to those in the EU. Food safety implies that all potential biological, chemical or physical hazards are prevented, eliminated or brought down to a safety level which is acceptable in the EU. To reach the acceptable food safety level, all food processors, packagers and distributors, whose food eventually is intended for the EU market, must use appropriate hygiene practices.

- **Quality Standards**

If you export **fresh** fruit and vegetables to the EU you have to make sure your products comply with the following requirements:

- Health control (food law, hygiene, microbiological criteria, contaminants, pesticides);
- Plant health (phytosanitary) control (harmful organisms);
- Marketing standards (general or specific);
- Other requirements (food additives, food contact materials, food irradiation, novel foods, radioactivity, quick frozen foods, GMO's, labelling and organic products).

Regulation (EC) 1234/2007 in conjunction with **Regulation (EC) 1580/2007** provide the marketing standards for all fresh, unprocessed fruit and vegetables.

- **HACCP and ISO 22000**

Regulation (EC) 852/2004 defines the hygiene procedures for food at all stages of the production process from primary production to sale to the EU. The Regulation obligates food business operators active in the EU to base their hygienic procedures on the HACCP methodology.

HACCP stands for Hazard Analysis Critical Control Point. It is a methodology, based on seven principles, which food processors, packagers and distributors¹ must use to identify the potential hazards that can be introduced while the food is under their care. Furthermore, it determines how those hazards can be prevented, eliminated or brought down to EU acceptable safety levels. Governmental agencies responsible for food safety in the EU ('food safety authorities') control if the aforementioned food business operators indeed practice the hygienic procedures as described in the Regulation.

- **Food Contaminants**

Food safety is an important issue in EU food policy and legislation has been established in order to guarantee food safety. Within this framework, the EU has set maximum levels for selected contaminants when they are present in specified products or product groups. The legislation is

regularly amended to include more products and contaminants or adjust threshold limits per contaminant.

The legislation on contaminants in food includes different requirements for various types of food products. Please note that the legislation concerning contaminants in food is different to the one concerning maximum content of residues pesticides (MRLs) in foodstuffs. The MRLs legislation is laid down in Regulation (EC) No 396/2005.

- **Maximum Residue level**

All foodstuffs intended for consumption in the EU are subject to MRLs. Products containing more pesticides than allowed will be withdrawn from the EU market.

Regulation (EC) 396/2005 on maximum residue levels of pesticides in or on food.
Directive 91/414/EEC on the placing of plant protection products on the market.
Directive 79/117/EEC prohibiting the placing on the market and use of plant protection products containing certain active substances.

The first is directly relevant to exporters from outside the EU, since it sets limits for the amount of pesticide left on food, when placed on the EU market. The latter two are indirectly relevant, because they regulate the authorization of pesticides within the EU. This can be relevant for exporters since the decision whether a pesticide is allowed in the EU will have consequences for the MRL set for that specific substance. The MRL for prohibited substances is always the lowest amount which is technically detectable.

b. REQUIRED DOCUMENTS

If you export fruit and vegetables from a non-EU (third) country to the EU you have to be able to show that your products conform to the marketing standards. Which documents are required depend if an SMS or the GMS is applicable and whether the EU Member State has set any additional requirements. Demonstration of conformity can be done by two means:

- **Certificate of Conformity (CoC)**

A document certified by a competent authority indicating that the consignment meets the quality and labelling standards set by a marketing standard. It is usually the EU importer arranging a CoC with the authorities of the importing EU Member State.

- **Accompanying documents**

Invoices or other (non-specified) documents indicating the name and the country of origin and where appropriate the class, the variety or the fact that the documents are intended for processing (Certificate of Industrial Use).

c. PACKAGING AND PACKAGING WASTE

If you want to export to the EU, you have to make sure that the packaging you use for your products meet all EU requirements. These requirements aim to prevent the production of packaging waste, to promote the reuse of packaging (recycling or other forms of recovering packaging waste) and as such to reduce the final disposal of such waste. The requirements mainly relate to maximum concentration levels for heavy metals contained in packaging and to labeling (marking and identification of the materials used).

Annex I to Directive 94/62/EC lists some illustrative examples of 'packaging'.

Directive 94/62/EC refers to Directive 2006/12/EC for the definition of 'waste': 'Any substance or object which the holder disposes or at some point will or has to dispose'. Examples are: contaminated or soiled materials, materials whose date for appropriate use has expired, spilled, or misshaped materials, adulterated

materials. Also are included materials of which the use has been banned by the EU Annex I of Directive 2006/12/EC.

d. LABELING

All labeling information must be clear and legible on one side of the package, either: indelibly printed directly onto the package, or on a label which an integral part of the package or affixed to it.

All products must contain the following labeling information:

Your country's name must be indicated. For products originating in more than one country, the full names of all countries on the package may be replaced with "mix of non-EU fruit and vegetables".

For pre-packaged products the net weight must be indicated. Unless, the products are sold per unit and the number of the packaged products is clearly visible.

For products shipped in bulk, the labeling information (name of the product and the country origin) must appear in the accompanying documents (invoices and other documents) or on a notice placed in an obvious position.

These requirements apply in addition to the general labeling requirements applicable to all food products brought on the EU market, except when there are derogations. For fruit and vegetables the requirements regarding the listing of ingredients and the durability do not apply.

Labeling should be appeared at least in 2 languages such as English and the language used in the particular country of importing.

e. GLOBALGAP

GlobalGAP is a **private sector initiative** that sets voluntary standards for the certification of agricultural products around the world. It is a **pre-farm-gate standard**, which means that the certificate covers the process of the certified product in all the farming activities until the product leaves the farm.

It is a **business-to-business label**, so not directly visible to consumers.

Certification is carried out by **independent and accredited certification** bodies in more than 100 countries.

Producers are inspected during announced and unannounced inspections.

National or regional farm assurance schemes that have successfully completed their **benchmarking** process are recognized as an equivalent to GlobalGAP and therefore do not need separate certification.

f. SOCIAL ACCOUNTABILITY AND FAIR TRADE MANAGEMENT – SA8000

The most widely implemented global standard for managing working conditions is SA8000, developed by Social Accountability International (SAI). It is the first auditable standard, suitable for companies of all sizes and sectors anywhere in the world, and provides a framework for assuring that social accountability or minimum standards for working conditions are being ensured. Although any company that operates a production facility can apply for SA8000 certification, SA8000 is mainly used by Western companies sourcing from developing countries, having their supply chain certified on social standards.

SA8000 covers the following 9 areas of accountability:

- Child labor: No workers under the age of 15.
- Forced labor: No forced labor, including prison or debt bondage labor; no lodging of deposits or identity papers by employers or outside recruiters.

- Workplace safety and health: Provide a safe and healthy work environment; take steps to prevent injuries; regular health and safety worker training; system to detect threats to health and safety; access to bathrooms and potable water.
- Freedom of Association and Right to Collective Bargaining: Respect the right to form and join trade unions and bargain collectively.
- Discrimination: No discrimination based on race, caste, origin, religion, disability, gender, sexual orientation, union or political affiliation, or age; no sexual harassment.
- Discipline: No corporal punishment, mental or physical coercion or verbal abuse.
- Working hours: Comply with the applicable law but, in any event, no more than 48 hours per week with at least one day off for every seven day period; voluntary overtime paid at a premium rate and not to exceed 12 hours per week on a regular basis; overtime may be mandatory if part of a collective bargaining agreement.
- Remuneration: Wages paid for a standard work week must meet the legal and industry standards and be sufficient to meet the basic need of workers and their families; no disciplinary deductions.
- Management system for Human Resources: Facilities seeking to gain and maintain certification must go beyond simple compliance to integrate the standard into their management systems and practices.

g. RETAIL CHAINS REQUIREMENTS AND TRACEABILITY (BRC)

If you export fresh or processed food to the EU, you have to take into account that EU buyers will demand from you that you are able to provide them with information on the origin and authenticity of all products used in the production of the final food product.

The BRC Global Standards are a suite of four industry-leading Technical Standards that specify requirements to be met by an organization to enable the production, packaging, storage and distribution of safe food and consumer products.

Certification to a Global Standard, which is achieved through audit by a third party Certification Bodies, reassures retailers and branded manufacturers of the capability and competence of the supplier, and reduces the need for retailers and manufacturers to carry out their own audits, thereby reducing the administrative burden on both the supplier and the customer.

h. ENVIRONMENTAL MANAGEMENT (ISO 9001:14000)

ISO 14001:2004 gives the **generic requirements** for an environmental management system. The underlying philosophy is that whatever the organization's activity, the requirements of an effective EMS are the same. This has the effect of establishing a **common reference** for communicating about environmental management issues between organizations and their customers, regulators, the public and other stakeholders.

ISO 14001 provides a framework for introducing an EMS. An essential part is the aim for continuous improvement. It is a tool enabling an organization of any size or type to:

- identify and control the environmental impact of its activities, products or services, and to
- improve its environmental performance continually, and to
- implement a systematic approach to setting environmental objectives and targets, to achieving these and to demonstrating that they have been achieved.

ISO 14001 can be implemented in combination with other management systems such as ISO 9001 on quality and OHSAS 18001 on occupational health and safety.

ISO does not require external certification, but in order to prove compliance to clients it may still be needed. In this case, the ISO 14001 system has to be certified by an authorised certifying body. A certificate is valid for three years. In order to maintain the certificate, regular audits, both internal (1-2 times per year) and external (2 times per year), are needed.

Certification Bodies in Sri Lanka

- Department of Agriculture
- Sri Lanka Standards Institute (SLSI)
- National Organic Certification Authority (NOCA)
- Ministry of Health
- Sri Lanka Industrial Technology Institute (ITI)

i. SPECIAL REQUIREMENTS OF BUYERS (OPTIONAL)

EU buyers will request compliance with the EU legislation in the first place. But, often they will have requirements that go beyond legislation, EU buyers may ask exporters additional requirements regarding quality, occupational health and safety, business ethics and social responsibility. These requirements are developed by the private sector itself. Although these requirements are called voluntary (not obliged by legislation), compliance with the requirements in some cases is as important as compliance with legislation, or compliance may give the exporter a competitive advantage when marketing products in the EU.

3. TARIFF BARRIERS

Zero tariff is applicable for exporting Fruits & vegetables to EU.

Sources:

CBI Website: www.cbi.eu

(EU legislation) www.europa.eu.int/eur-lex/en/index.html

MRLs, pesticides http://ec.europa.eu/sanco_pesticides/public/index.cfm

GLOBALGAP: www.globalgap.org

EU Export Helpdesk: <http://exporthelp.europa.eu> (requirements, taxes, VAT)

BRC (UK standard): www.brc.org.uk

SA 8000: www.sa-intl.org

ISO quality mgmt www.iso.ch

Int. food quality and hygiene standards: www.codexalimentarius.net

Organic: www.intracen.org/organics

www.fao.org/organic

Fair Trade: www.fairtrade.net

www.fairtrade.org.uk

Contact us for registering in our next seminar on market access – darshana@edb.tradenetsl.lk