

# FRUIT & VEGETABLE PRODUCTS

## PRELIMINARY REMARKS

- *The aim of these Factsheet and Guidelines (hereafter 'Report') is to explain to EU fruit and vegetable exporters the market access opportunities offered by the EU-Japan Agreement for an Economic Partnership (EPA) as well as, in a brief overview, the relevant Rules of Origin and import procedures in Japan. More information on these issues and on specific market entry requirements, including Customs procedures and SPS measures are covered in the relevant Factsheet and Guidelines, or can be found in the 'Food and Beverage Handbook: Japan' <sup>[1]</sup>.*
- *As regards product specification, only the Harmonised System (HS) code system at six-digit level, or the Japanese nomenclature at nine-digit level have been used. For detailed description of the Japanese nomenclature, reference is made to the Japanese Schedule in the Agreement.*
- *In the Japanese Schedule, a fiscal year means the period between 1 April of one year and 31 March of the next year. As the Agreement has entered into force on 1 February 2019, the first year was the period between 1 February 2019 and 31 March 2019. First year quantities have therefore been calculated on a 'pro rata' basis.*
- *All quantities are expressed in metric tonnes (t), unless stated otherwise.*
- *The complete text of the EPA, and annexes, incorporating the Schedule of Japan, can be found on the following website of the European Commission: <https://trade.ec.europa.eu/doclib/press/index.cfm?id=1684>. Japan's tariff Schedule is in Annex 2-A-4; "Notes for the Schedule of Japan" can be found in Annex 2-A-3. These Notes explain inter alia the various types of concessions, including details on TRQs, safeguard measures, etc.*



[1] Website: <https://ec.europa.eu/chafea/agri/content/food-and-beverage-market-entry-handbook-japan>

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# FRUIT & VEGETABLE PRODUCTS

## 1. IN A NUTSHELL

- All fresh fruit and vegetables have been liberalised at the entry into force (EIF) of the Agreement, or will be liberalised over a period of maximum 10 years, except for Shiitake mushrooms and manioc (not frozen). The preferences for these products are limited to a tariff reduction. Certain beans and peas have been excluded from any preference.

- A more or less comparable scheme of preferences for the processed fruit & vegetables, except for a number of processed peas and beans, for which tariffs will be liberalised within a tariff rate quota (TRQ). A limited number of products will only have tariffs reduced over time.<sup>2</sup> Different types of preference



TYPE	CATEGORY IN JAPAN'S SCHEDULE	DESCRIPTION
Immediate liberalisation	A	- The base rate <sup>[2]</sup> currently applied by Japan is eliminated at the EIF of the Agreement. - Most of those tariff lines having duty free access at the EIF of the Agreement are <b>not listed in the EPA tariff Schedule of Japan</b> .
Duty elimination spread over a period	B	Gradual elimination of the base rate over a period of time. The zero duty will be applied in subsequent years.
Duty reduction spread over a period	R	Gradual reduction of the base rate to a certain level. The final reduced level will be applied in subsequent years.
Tariff Rate Quotas	TRQ	TRQs allow for one of the above-mentioned preferences within the limits of an annual import quantity (being the quota level) of the relevant goods. Once in a given fiscal year this quantity is exceeded, the base duty rate applies until the end of the fiscal year. The TRQ is re-opened at the beginning of the following fiscal year. The quota levels can remain unchanged over the years, or can be increased gradually over a period of time.
Excluded products	X	Products excluded from any preference.

[2] "Base rate" means the starting point of elimination or reduction of customs duties. It is Japan's Most Favoured Nation (MFN) rate as scheduled in the WTO.

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### 3. EPA PREFERENCES FOR EU VEGETABLES AND FRUITS (CHAPTERS 07 AND 08 PRODUCTS)

An important number of these products have been liberalised at the EIF of the Agreement; others will have tariffs phased out over a maximum period of 10 years. Tariffs for a limited number of products will only be subject of a reduction. Examples<sup>[3]</sup> of products with tariffs eliminated over a period of time or with reduced tariffs are listed below.

#### EXAMPLES OF VEGETABLE & FRUIT PRODUCTS (CH 7 – 8) NOT LIBERALISED AT THE ENTRY INTO FORCE (EIF) OF THE EPA

Preference description: Tariffs liberalised in staging Tariff reduction only No tariff preference

H.S. CODE <sup>[4]</sup>	PRODUCT	PREFERENCE DESCRIPTION
070310	Onions	Tariffs gradually phased out in 5 years.
070959	Shiitake mushrooms	Tariff reduced from 4.3% to 3.7% at the EIF, and will permanently remain at that level.
070999	Sweetcorn, fresh or chilled	6 % tariff gradually phased out in 3 years.
0710	Vegetables, cooked or uncooked by steaming or boiling, frozen	Tariffs of a few products, including potatoes, green soya beans, spinach and broccoli, burdock and mixtures of vegetables (chiefly consisting of sweetcorn), will be gradually phased out in 5 years.
0711	Vegetables provisionally preserved, but unsuitable for immediate consumption in that state.	Most of the tariffs have been eliminated at the EIF, those of a limited number of products, including burdock and lotus roots, will be gradually phased out in 5 years.
0712	Dried vegetables, whole, cut, sliced, broken or in powder, but not further prepared	Most of the tariffs have been eliminated at the EIF, those of a limited number of products, including onions, potatoes, will be gradually phased out in 5 years. Shiitake mushrooms falling under this HS code have tariffs reduced from 12.8% to 9.6% at EIF, and will permanently remain at that level.
0713	Dried leguminous vegetables	A few products have been excluded from EPA tariff preference. These products include certain varieties of peas and beans. Other products, not liberalised at the EIF, will have tariffs phased out over a period of 10 years.
0714	Manioc and sweet potatoes, fresh, chilled frozen or dried.	Most of the non-liberalised products at the EIF will have duties gradually phased out over 5 years (sweet potatoes), except for: frozen taro (10 years) and non-frozen manioc, not for feeding purposes (tariffs gradually reduced by 50% over 11 years).

[3] The complete list of preferences can be found in Japan’s EPA Schedule (Annex 2-A Parts 3 and 4): <https://trade.ec.europa.eu/doclib/press/index.cfm?id=1684>

[4] Harmonised System product code. Detailed Japanese 9 digit codes for each product can be found in the EPA Tariff Schedule - Annex 2-A-4: <https://trade.ec.europa.eu/doclib/press/index.cfm?id=1684>.

Updated Japanese 9-digit tariff codes can be found on: [http://www.customs.go.jp/english/tariff/2019\\_4/index.htm](http://www.customs.go.jp/english/tariff/2019_4/index.htm)

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# EU-Japan EPA **FACTSHEET**

## Fruit & Vegetable Products

H.S. CODE <sup>[4]</sup>	PRODUCT	PREFERENCE DESCRIPTION
071332	Small red (Adzuki) beans (Phaseolus or Vigna angularis) <sup>[5]</sup>	Excluded from any preference.
071333	Kidney beans, including white pea beans (Phaseolus vulgaris) <sup>[6]</sup>	Excluded from any preference.
071334	Bambara beans (Vigna subterranea or Voandzeia subterranea) <sup>[7]</sup>	Excluded from any preference.
071335	Cow peas (Vigna unguiculata) <sup>[8]</sup>	Excluded from any preference.
071339	Other beans, including Pegin beans (Phaseolus calcaratus) <sup>[9]</sup>	Excluded from any preference.
0802	Nuts (other than coconuts, Brazil nuts and cashew nuts)	While tariffs for most of these products have been eliminated at the EIF, a few will be gradually phased out in 5 years (kola nuts) or 10 years (chestnuts).
0803	Bananas	Fresh products will be gradually liberalised within 10 years, dried products have been liberalised at the EIF.
0804	Dates & figs, and pineapples – fresh or dried	Dates and figs will be gradually liberalised in 5 years, fresh pineapples in 10 years.
0805	Citrus fruit, fresh or dried	Oranges: to be liberalised in 5 or 7 years (in function of the import period). A <b>safeguard measure</b> can be applied on EU oranges imported between 1st of December and 31st of March <sup>[10]</sup> . Other citrus: gradual tariff elimination in 5 years (clementines, mandarins and grapefruit).
0808	Apples, fresh	Duties of apples (17%) have been reduced by 25% at the EIF, and shall be further gradually eliminated, and shall be zero as from 1 April of the 11th year.
0809	Cherries, fresh	Duties of cherries (8.5%) have been reduced by 50% at the EIF, and shall be gradually eliminated in 5 annual instalments, and become zero as from 1 April of the 6th year.
08.11	Frozen fruit and nuts	Duties of pineapples will be gradually liberalised in 10 years; duties of sour cherries in 5 years.
08.12	Fruit and nuts, provisionally preserved.	Bananas, grapefruit, and mandarins: tariffs to be gradually eliminated in 5 years. Oranges, cherries and chestnuts, within 10 years.
08.13	Dried fruit, other than that of Headings 08.01 to 08.06	Apples, apricots and persimmons: tariffs to be gradually liberalised in 5 years.

[5] Product concerned: 071332.090

[6] Product concerned: 071333.229

[7] Product concerned: 071334.299

[8] Product concerned: 071335.299

[9] Products concerned: 071339.222, 071339.227

[10] Safeguard Oranges: Can be applied under certain conditions, if imports of these products exceed 2000 tonnes during the period 1st of December – 31st of March. The rate of duty applied under this measure will be 28% from year 1 to year 4, and 20% from the 5th year until the 7th year. **This SG measure can no longer be applied as from year 8.**

More details can be found in the EPA text: <https://trade.ec.europa.eu/doclib/press/index.cfm?id=1684> "Section C Agricultural Safeguard Measures – Sub-Section 7"



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## 4. EPA PREFERENCES FOR EU VEGETABLES AND FRUITS CLASSIFIED UNDER CHAPTERS 12, 13, 14, 15 & 20

### 4.1. CH-12 – OIL SEEDS & OLEAGINOUS FRUITS; MISCELLANEOUS GRAINS, SEEDS & FRUIT

A large majority of these products have duty free access, with a few exceptions including:

- **ground-nuts, not roasted or otherwise cooked, whether or not shelled or broken:** duties liberalised in 7 or 10 years.

### 4.2. CH-13 – OTHER VEGETABLE SAPS & EXTRACTS

All the PAPs in this Chapter have duty free access as from Year 1, except: Vegetable saps and extracts – bases for beverage:

- **Obtained from a single material of vegetable origin:** duty will be phased out over a period of 5 years – duty free as from 1/4/2023;
- **Other:** duty phased out over period of 7 years – duty free as from 1/4/2025.

### 4.3. CH-14 – PAPs - VEGETABLE PLATING MATERIALS – VEGETABLE PRODUCTS NOT ELSEWHERE SPECIFIED

All the PAPs in this Chapter have duty free access as from Year 1, except:

- **Rushes, Shichitai and Wanguru:** duty will be phased out over a period of 5 years – duty free as from 1/4/2023.

### 4.4. CH-15 – VEGETABLE FATS & OILS

All the vegetable fats and oils in this Chapter have duty free access as from Year 1, except:

- **Sunflower-seed oil, rape, cotton-seed oil, colza and mustard oil, linseed oil, sesame oil (acid value exceeding 0.6):** tariffs liberalised in 5 years.
- **Sesame oil (acid value not exceeding 0.6):** tariffs liberalised in 7 years.
- **Ground-nut oil, maize (corn) oil:** tariffs liberalised in 10 years.

### 4.5. CH-20 – PREPARATIONS OF VEGETABLES, FRUIT, NUTS OR OTHER PARTS OF PLANTS

- Duties of products classified under this Chapter will either be liberalised at the EIF of the Agreement, or be phased out over a period of maximum 10 years. A few products have duty free access within a TRQ.
- Preferences of the **main** products are explained below; further detailed information can be found in Annex 2-A – Section D “Schedule of Japan” – of the Agreement.<sup>[11]</sup>



[11] Annex 2-A can be found on <https://trade.ec.europa.eu/doclib/press/index.cfm?id=1684>.

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#### 4.5.1. HEADING 20.01 - VEGETABLES & FRUIT, NUTS AND OTHER EDIBLE PARTS OF PLANTS, PREPARED OR PRESERVED BY VINEGAR OR ACETIC ACID

- Cucumbers and gherkins:
  - not containing added sugar: duty elimination at the EIF of the Agreement;
  - containing added sugar: base rate phased out in 5 years.
- Sweet corn prepared or preserved by vinegar or acetic acid, whether or not containing added sugar: Base rate phased out in 5 years – duty free as from 1/4/2023.

#### HEADING 20.02 - TOMATOES, PREPARED OR PRESERVED OTHERWISE THAN BY VINEGAR OR ACETIC ACID

- Tomatoes, whole or in pieces: duty free as from the EIF of the Agreement.
- Tomatoes, other, base rate phased out in 5 years – duty free as from 1/4/2023.

#### HEADING 20.03 - MUSHROOMS AND TRUFFLES, PREPARED OR PRESERVED OTHERWISE THAN BY VINEGAR OR ACETIC ACID

- Mushrooms of genus *Agaricus*: duty free as from the EIF of the Agreement, **except**: French mushrooms: base rate phased out in 5 years – duty free as from 1/4/2023.
- Truffles: duty free as from the EIF of the Agreement.



#### HEADING 20.04 - OTHER VEGETABLES PREPARED OR PRESERVED OTHERWISE THAN BY VINEGAR OR ACETIC ACID, FROZEN, OTHER THAN OF HEADING 20.06

- Potatoes:
  - Cooked, not otherwise prepared: duties phased out in 3 years – duty free as from 1/4/2021;
  - Other (including mashed potatoes): duties phased out in 5 years – duty free as from 1/4/2023.
- Other vegetables and mixtures of vegetables
  - Asparagus, not containing added sugar: duty free as from the EIF of the Agreement.
  - Sweet corn, whether or not containing added sugar: duties phased out in 5 years – duty free as from 1/4/2023.
  - Leguminous vegetables, not containing added sugar: duties phased out in 10 years – duty free as from 1/4/2028.



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# EU-Japan EPA **FACTSHEET**

## Fruit & Vegetable Products

### **HEADING 20.05 - OTHER VEGETABLES PREPARED OR PRESERVED OTHERWISE THAN BY VINEGAR OR ACETIC ACID, NOT FROZEN, OTHER THAN OF HEADING 20.06**

- Several products under this Heading have been liberalised at the entry into force of the Agreement, including:
  - Unshelled peas – not containing added sugar;
  - Unshelled beans (except not containing added sugar and in contained in airtight containers of not more than 10kg. each: liberalisation in 5 years);
  - Olives;
  - Sweet corn (*Zea mays var. saccharata*), not containing added sugar;
  - Sauerkraut and
  - Garlic powder.
- Others will be liberalised in 5 years, such as:
  - Homogenised vegetables;
  - Potatoes, in airtight containers not more than 10kg each, not including Mashed potatoes and potato flakes;
  - Shelled peas, not containing added sugar;
  - Beans unshelled, not containing added sugar, in airtight containers not more than 10 kg each;
  - Sweet corn (*Zea mays var. saccharata*), containing added sugar;
  - Asparagus, other than in airtight containers not more than 10kg each.
- Or in 7 years, including:
  - Potatoes, not elsewhere specified;
  - Shelled beans, containing added sugar, in airtight containers;
  - Asparagus, in airtight containers not more than 10 kg each.
- Or in 10 years: mashed potatoes and shelled beans not containing added sugar.
- Unshelled peas, containing added sugar, will have duties gradually reduced from 13.4% to 6.7% as from the 11th year.
- A few products enjoy duty free access since the entry into force of the Agreement within a TRQ of 100t at the entry into force of the Agreement, to be gradually increased up to 130t in year 11. The products concerned, classified under Heading 20.02 are:
  - Shelled peas containing added sugar;
  - Shelled beans containing added sugar, other than contained in airtight containers.

### **HEADING 20.06 - VEGETABLES, FRUITS, NUTS, FRUIT-PEEL AND OTHER PARTS OF PLANTS, PRESERVED BY SUGAR (DRAINED, GLACÉ OR CRYSTALLISED)**

- Products not yet liberalised at MFN level, will be so in 5 years (apricots), or in 10 years (marrons glacé).



### **HEADING 20.07 - JAMS, FRUIT JELLIES, MARMALADES, FRUIT OR NUT PURÉE, OR NUT PASTES, OBTAINED BY COOKING, WHETHER OR NOT CONTAINING ADDED SUGAR OR SWEETENING MATTER**

- Duties of a number of products have already been eliminated, including those of non-homogenised preparations of citrus fruit, in particular jams not containing added sugar, and jams of other fruit, as well as of jellies of other fruit not containing added sugar.
- Remaining products will be liberalised in 3 years (e.g. fruit jellies and marmalades of citrus fruit, containing added sugar), or in 5 years (e.g. jams of citrus fruit, containing added sugar), or in 7 years (e.g. fruit purée and fruit pastes of fruit other than citrus fruit, containing added sugar), or in 10 years (fruit purée and fruit pastes of citrus fruit, containing added sugar).

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# EU-Japan EPA **FACTSHEET**

## Fruit & Vegetable Products

### **HEADING 20.08 - FRUITS, NUTS AND OTHER EDIBLE PARTS OF PLANTS, OTHERWISE PREPARED OR, WHETHER OR NOT CONTAINING ADDED SUGAR OR OTHER SWEETENING MATTER OR SPIRIT, NOT ELSEWHERE SPECIFIED**

- This Heading contains a long list of products.
- Duties of a non-negligible number of products have been eliminated at the EIF of the Agreement, including:
  - Nuts other than ground nuts, containing added sugar, in pulp form, as well as most of those not containing added sugar;
  - Peaches containing added sugar, in airtight containers of maximum 2 kg each, not in pulp form;
  - Peaches, not containing added sugar, not in pulp form, in airtight containers;
  - Cranberries, containing added sugar, not in pulp form;
  - Mixed fruit, fruit salad, fruit cocktail;
  - Some other products (e.g.: bananas, avocados and other tropical fruit, berries, prunes, popcorn).
- Most of the tariff lines under this Heading, however, will have duties gradually phased out in 5, 7 or 10 years.
- One product will have tariffs reduced:
  - Pineapples, in airtight containers of maximum 10 kg each, other than in pulp form: 33 yen/kg reduced to 28.05 yen/kg in year 6;

### **HEADING 20.09 - FRUIT JUICES (INCLUDING GRAPE MUST), VEGETABLE JUICES, UNFERMENTED AND NOT CONTAINING ADDED SPIRIT, WHETHER OR NOT CONTAINING ADDED SUGAR OR SWEETENING MATTER.**

- A number of tariff lines have tariffs eliminated at the EIF of the Agreement, including:
  - Juice of lemon or lime, not containing added sugar, and containing not more than 10% of sucrose;
  - Grape juice (including grape must), with a brix exceeding 30, not containing added sugar, and not more than 10% of weight of sucrose;
  - Vegetable juice, other than carrot juice, without added sugar, and not in airtight containers;
  - Mixtures of juices, consisting chiefly of vegetable juices.
- Apart from the above, a majority of the juices will have tariffs eliminated between 3 and 10 years:
  - Orange juice: most of the tariffs will be eliminated in 10 years, a few in 5 years;
  - Grapefruit (including pomelo) juice: tariffs will be eliminated in 7 years, with the exception of one in 5 years (grapefruit juice, of Brix value exceeding 20, not containing added sugar, with more than 10% by weight of sucrose).
  - Juice of any other single citrus fruit: tariff elimination in 5 or 10 years.
  - Pineapple juice: tariff elimination in 10 years.
  - Tomato juice: tariff elimination in 5 years;
  - Grape juice (including grape must): tariff elimination in 5 or 10 years;
  - Apple juice: tariff elimination in 7 or 10 years;
  - Juice of any other single fruit or vegetable: tariff elimination in 3 or 5 years.
  - Mixture of juices: tariff elimination in 3, 5 or 10 years.



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# FRUIT & VEGETABLE PRODUCTS

## 1. JAPAN'S ORIGIN CERTIFICATION PROCEDURES in making a claim for preferential tariff treatment under the EPA

- In order to apply for the preferential tariff treatment under the EPA, the good to be imported must be an originating good under the EPA provisions.
- An importer in Japan, when making a claim for preferential tariff treatment, must at the time of the import declaration, and in accordance with the relevant EPA provisions, demonstrate that the good is EU originating by submitting the required documentation.
- This documentation must, in principle, be submitted to Japanese customs at the time of the import declaration.
- Further details can be found on the following websites:

[http://www.customs.go.jp/english/c-answer\\_e/imtsukan/1524\\_e.htm](http://www.customs.go.jp/english/c-answer_e/imtsukan/1524_e.htm)

<http://madb.europa.eu/madb/viewPageFPublic.htm?doc=ppo&hscod=0402&countryid=JP>

<https://ec.europa.eu/chafea/agri/content/food-and-beverage-market-entry-handbook-japan>

## 2. RULES OF ORIGIN

- The Rules of Origin (RoO) under the EPA are determined by product in the so-called Product Specific Rule of Origin (PSR), and listed in Annex 3-B of the Agreement<sup>[1]</sup>.
- The PSR stipulates the following RoO for the main EU fruit and vegetables and related products imported in Japan under the EPA:
  - Chapter 7 – **Fresh vegetables:** all Chapter 07 products used in the production must be wholly obtained, i.e. of EU origin.
  - Chapter 8 – **Fresh fruit:** all Chapter 08 products used in this production must be wholly obtained, i.e. of EU origin.
  - Chapter 12 – **Oil seeds and oleaginous fruits:**
    - Heading 12.01 **Soya beans, whether or not broken:** Change of Tariff Heading (CTH), which means that in the productions, non-EU products are authorised if these products are classified in another Tariff Heading, or in other words that all non-EU originating materials, used in the production of the product, must undergo a change in tariff classification at Tariff Heading level, i.e. at 4-digit level.
    - Headings 12.02 – 12.14: CTH except from heading 12.01 (soya beans).
  - Chapter 15 – **Vegetable fats and oils:** Change of Chapter (CTH), except for:
    - Heading 15.08 – Ground-nut oil: CTH
    - Headings 15.09-15.10 - **Olive oil and other oils obtained solely from olives:** production in which all vegetable materials used are wholly obtained.

[1] Annex 3-B can be found here: <https://trade.ec.europa.eu/doclib/press/index.cfm?id=1684>

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- Headings 15.11 – 15.13 – **Palm oil, sunflower seed oil, coconut (copra), palm kernel or babassu oil:** CTH
- Heading 15.14
  - **Rape or Colza oil:** production in which all the materials of the Headings 12.05 (rape or colza seeds) and 15.14 (rape, colza or mustard oil and fractions thereof) are wholly obtained.
  - **Mustard oil:** CTH
- Sub-Heading 1517.90 - **Mixed vegetable oils not further processed:** Change of Chapter (CC), which means that in the productions, non-EU products are authorised if these products are classified in another Chapter, or in other words that all non-EU originating materials, used in the production of the product, must undergo a change in tariff classification at Chapter level, i.e. at 2 digit level.
- Chapter 20 – **Preparations of vegetables, fruits, nut, or other parts of plants:**
  - Heading 20.01 - **Vegetables, fruits and nuts, prepared or preserved by vinegar or acetic acid:** CC;
  - Headings 20.02 - **Tomatoes prepared or preserved otherwise than by vinegar or acetic acid** and 20.03 - **Mushrooms and truffles, prepared or preserved otherwise than by vinegar or acetic acid:** all Chapter 7 products (vegetables) used in this production must be wholly obtained;
  - Headings 20.04 to 20.08: CTH, provided that beans, peas, pineapples, oranges, potatoes and asparagus used are wholly obtained;
  - Heading 20.09 - **Fruit juices:** CTH, provided that pineapples, oranges, apples and grapes used are wholly obtained.
- More information on RoO can be found in the relevant Factsheet and Guidelines, published on the website of the EU-Japan Centre.

## DISCLAIMER

*The Factsheets has been prepared with the sole purpose of clarifying and simplifying the understanding of some parts of the EU-Japan EPA related to fruit and vegetable products, and bear therefore no legal standing. While utmost care was taken in the preparation of the report, the author, the EU-Japan Centre, and the European Commission cannot be held responsible for any error or omission. This report does not constitute legal advice in terms of business development cases. As a result, only the legal text and annexes of the EU-Japan EPA, as well as relevant legislation in the EU and Japan prevail. The Report reflects the view of the author who cannot be held responsible for any use which may be made of the information contained herein.*



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