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From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
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To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	C(2018) 4349 final
Subject:	COMMISSION DELEGATED REGULATION (EU) .../... of 12.7.2018 amending Implementing Regulation (EU) No 543/2011 as regards marketing standards in the fruit and vegetables sector

Delegations will find attached document C(2018) 4349 final.

Encl.: C(2018) 4349 final



Brussels, 12.7.2018
C(2018) 4349 final

COMMISSION DELEGATED REGULATION (EU) .../...

of 12.7.2018

**amending Implementing Regulation (EU) No 543/2011 as regards marketing standards
in the fruit and vegetables sector**

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

Regulation (EU) No 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products (CMO Regulation) empowers the Commission to adopt delegated acts.

The purpose of this delegated act is to lay down rules amending the existing marketing standards in line with amendments done in the quality standards of the United Nations Economic Commission for Europe (UN/ECE). In order to avoid unnecessary barriers to trade, the specific standards for apples, citrus fruit, kiwifruit, lettuces, curled-leaved and broad-leaved endives, peaches and nectarines, pears, strawberries, sweet peppers, table grapes and tomatoes should be aligned with the UN/ECE standards.

This delegated act is also modifying the requirements on mixes of fruit and vegetables to follow identical rules for packages containing different species of fruits and packages containing different species of vegetables.

This delegated act amends 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.

The adoption of this delegated act does not entail financial implications.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

Consultations, involving experts from all the 28 Member States have been carried out within the Experts Group for Fruit and Vegetables during the several meetings in 2017; on 12 December 2017 a draft text was presented and agreed. The draft version of the present act was transmitted to the European Parliament and to the Council when convening the Experts Group meetings.

The draft delegated regulation was posted in the Better Regulation portal from 1st March 2018 to 29th March 2018 and received feedback from 22 organisations. Feedback raised three main issues that were discussed already with Member States: (i) the possibility to replace the name of the variety of citrus fruit by a synonym, (ii) the existing requirement to indicate the post-harvest treatments when used on citrus fruit and (iii) the labelling of sales packages when they are presented in packages. Member States were consulted again on those issues within the Experts Group for Fruit and Vegetables on 24 April 2018. Only the consensual issues were taken on board. In marketing standard for citrus fruit, a UN/ECE provision referring to the name of the variety was not included, as the list at UN/ECE level was not yet finalised. Regarding general and the specific marketing standards, it was clarified that the sales packages presented in packages may not be labelled under certain conditions.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

The act contains an article modifying Article 7 and Annex I of Commission Implementing Regulation (EU) No 543/2011 with the aim to amend general and specific marketing

standards for apples, citrus fruit, kiwifruit, lettuces, curled-leaved and broad-leaved endives, peaches and nectarines, pears, strawberries, sweet peppers, table grapes and tomatoes. This act contains also an article establishing a transitional provision for the code marks representing the packer or dispatcher that do not include the ISO 3166 (alpha) country/area code of the recognising country.

COMMISSION DELEGATED REGULATION (EU) .../...

of 12.7.2018

**amending Implementing Regulation (EU) No 543/2011 as regards marketing standards
in the fruit and vegetables sector**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007¹, and in particular Article 75(2) thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) No 543/2011² provides for detailed rules on marketing standards for fruit and vegetables.
- (2) Implementing Regulation (EU) No 543/2011 allows the marketing of packages of a net weight of 5 kg or less containing mixes of different species of fruit and vegetables. To ensure fair trading and to respond to the demand from certain consumers for such mixes, identical rules should apply to packages containing different species of fruit and packages containing different species of vegetables.
- (3) From 2013 to 2017 the Working Party on Agricultural Quality Standards of the United Nations Economic Commission for Europe (UN/ECE) revised the UN/ECE standards for apples, citrus fruit, kiwifruit, lettuces, curled-leaved and broad-leaved endives, peaches and nectarines, pears, strawberries, sweet peppers, table grapes and tomatoes. In order to avoid unnecessary barriers to trade, the general and specific marketing standards for those fruits and vegetables provided for in Implementing Regulation (EU) No 543/2011 should be aligned with the new UN/ECE standards.
- (4) In particular, the UN/ECE standards require the indication of the ISO 3166 (alpha) country/area code in combination with the code mark representing the packer or dispatcher when the packer or dispatcher has a physical address in a country different from the country of origin of the products. That requirement should be included in Annex I to Implementing Regulation (EU) No 543/2011.
- (5) Regulation (EU) No 543/2011 should therefore be amended accordingly.

¹ OJ L 347, 20.12.2013, p. 671.

² 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 (OJ L 157, 15.6.2011, p. 1).

- (6) In order to give operators sufficient time to adapt to the new requirement relating to the country code, they should be allowed to use existing officially issued or accepted code marks representing the packer or dispatcher until 31 December 2019,

HAS ADOPTED THIS REGULATION:

Article 1

Amendment of Implementing Regulation (EU) No 543/2011

Implementing Regulation (EU) No 543/2011 is amended as follows:

- (1) Article 7 is replaced by the following:

"Article 7

Mixes

1. 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 shall be allowed, provided that:

(a) the products are of uniform quality and each product concerned complies with the relevant specific marketing standard or, where no specific marketing standard exists for a particular product, the general marketing standard;

(b) the package is appropriately labelled, in accordance with this Chapter, and

(c) the mix is not such as to mislead the consumer.

2. The requirements of paragraph 1(a) shall not apply to products included in a mix which are not products of the fruit and vegetables sector referred to in Article 1(2)(i) of Regulation (EU) No 1308/2013 of the European Parliament and of the Council*.

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'.

* Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (OJ L 347, 20.12.2013, p. 671.)"

- (2) Annex I is replaced by the text set out in the Annex to this Regulation.

Article 2

Transitional provision

Officially issued or accepted code marks representing the packer or dispatcher that do not include the ISO 3166 (alpha) country/area code may continue to be used on packages until 31 December 2019.

Article 3

Entry into force

This Regulation shall enter into force on the seventh day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 12.7.2018

For the Commission
The President
Jean-Claude JUNCKER