Commission Implementing Regulation (EU) 2020/2102 of 15 December 2020 approving the checks on conformity to marketing standards for fruit and vegetables carried out by the United Kingdom and amending Implementing Regulation (EU) No 543/2011 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

COMMISSION IMPLEMENTING REGULATION (EU) 2020/2102

of 15 December 2020

approving the checks on conformity to marketing standards for fruit and vegetables carried out by the United Kingdom and amending Implementing Regulation (EU) No 543/2011 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 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 1234/2007[(1)], and in particular point (f) of Article 91 thereof,

Whereas:

(1) According to Article 15(1) of Implementing Regulation (EU) No 543/2011[(2)], the Commission may, at the request of a third country, approve checks on conformity to marketing standards carried out by that third country prior to import into the Union.

(2) Following the withdrawal of the United Kingdom from the Union on 1 February 2020 and in view of the end of the transition period provided for in the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (Withdrawal Agreement) on 31 December 2020, the United Kingdom sent the Commission a request to approve checks on conformity to specific marketing standards carried out by the United Kingdom prior to import into the Union. In particular, the United Kingdom has undertaken to comply with the requirements set for the marketing of fruit and vegetables after the end of the transition period and has indicated the official authority and the inspection bodies referred to in the second subparagraph of Article 15(2) of Implementing Regulation (EU) No 543/2011.

(3) The Commission considers that it may grant such an approval because the relevant legislation in the United Kingdom applicable on 1 January 2021 for fruit and vegetables will maintain marketing standards that are equivalent to those applicable in the Union.

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2020/2102. (See end of Document for details)*

(4) The checks on conformity to marketing standards for fruit and vegetables carried out by the United Kingdom should therefore be approved. In accordance with the second subparagraph of Article 15(2) of Implementing Regulation (EU) No 543/2011, this Regulation should specify the official authority in the third country under the responsibility of which those checks are carried out, as well as the inspection bodies in charge of the proper checks. As a result of this approval, the United Kingdom should be listed in Annex IV to Implementing Regulation (EU) No 543/2011, without prejudice to the application of Union law to and in the United Kingdom in respect of Northern Ireland in accordance with Article 5(4) of the Protocol on Ireland/Northern Ireland to the Withdrawal Agreement in conjunction with Annex 2 to that Protocol.

(5) As Implementing Regulation (EU) No 543/2011 applies to and in the United Kingdom in respect of Northern Ireland, checks on conformity to marketing standards carried out by the United Kingdom have to be understood as referring only to Great Britain.

(6) Implementing Regulation (EU) No 543/2011 should therefore be amended accordingly.

(7) To ensure legal certainty and in order to guarantee a smooth transition of trade flows in the sectors concerned, this Regulation should enter into force as a matter of urgency on the day following that of its publication in the *Official Journal of the European Union* and apply from 1 January 2021.

(8) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the Common Organisation of the Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

Approval of conformity checks

The checks on conformity to marketing standards for fruit and vegetables carried out by the United Kingdom prior to import into the Union are approved.

Article 2

Official authority and inspection bodies

1 The Secretary of State for the Department for Environment, Food & Rural Affairs is the official authority of the United Kingdom referred to in the second subparagraph of Article 15(2) of Implementing Regulation (EU) No 543/2011 under the responsibility of which the checks referred to in Article 1 of this Regulation are carried out.

2 The Horticulture Marketing Inspectorate (HMI) for England and Wales and the Scottish Government's Horticulture and Marketing Unit (HMU) for Scotland are the inspection bodies of the United Kingdom in charge of the proper checks within the meaning of the second subparagraph of Article 15(2).

Article 3

Amendment of Implementing Regulation (EU) No 543/2011

Annex IV to Implementing Regulation (EU) No 543/2011 is replaced by the text in the Annex to this Regulation.

Article 4

Entry into force and application

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

It shall apply from 1 January 2021.

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

Done at Brussels, 15 December 2020.

For the Commission

The President

Ursula VON DER LEYEN