Commission Delegated Regulation (EU) 2019/428 of 12 July 2018 amending Implementing Regulation (EU) No 543/2011 as regards marketing standards in the fruit and vegetables sector

COMMISSION DELEGATED REGULATION (EU) 2019/428

of 12 July 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 1234/2007[(1)], and in particular Article 75(2) thereof,

Whereas:

(1) Commission Implementing Regulation (EU) No 543/2011[(2)] 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.

(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,

Changes to legislation: *There are currently no known outstanding effects for the Commission Delegated Regulation (EU) 2019/428. (See end of Document for details)*

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].

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".;

(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.

***Changes to legislation:** There are currently no known outstanding effects for the Commission Delegated Regulation (EU) 2019/428. (See end of Document for details)*

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 July 2018.

For the Commission

The President

Jean-Claude JUNCKER

Changes to legislation: *There are currently no known outstanding effects for the Commission Delegated Regulation (EU) 2019/428. (See end of Document for details)*

ANNEX

ANNEX I

MARKETING STANDARDS REFERRED TO IN ARTICLE 3

PART A

General marketing standard

The purpose of this general marketing standard is to define the quality requirements for fruit and vegetables, after preparation and packaging.

However, at stages following dispatch products may show in relation to the requirements of the standard:

— a slight lack of freshness and turgidity,

— a slight deterioration due to their development and their tendency to perish.

1. **Minimum requirements**

Subject to the tolerances allowed, the products shall be:

— intact,

— sound; products affected by rotting or deterioration such as to make them unfit for consumption are excluded,

— clean, practically free of any visible foreign matter,

— practically free from pests,

— free from damage caused by pests affecting the flesh,

— free of abnormal external moisture,

— free of any foreign smell and/or taste.

The condition of the products must be such as to enable them:

— to withstand transportation and handling,

— to arrive in satisfactory condition at the place of destination.

2. **Minimum maturity requirements**

The products must be sufficiently developed, but not over-developed, and fruit must display satisfactory ripeness and must not be overripe.

The development and state of maturity of the products must be such as to enable them to continue their ripening process and to reach a satisfactory degree of ripeness.

3. **Tolerance**

A tolerance of 10 % by number or weight of product not satisfying the minimum quality requirements shall be permitted in each lot. Within this tolerance not more than 2 per cent in total may consist of produce affected by decay.

4. **Marking**

Each package[(4)] must bear the following particulars, in letters grouped on the same side, legibly and indelibly marked, and visible from the outside.

***Changes to legislation:** There are currently no known outstanding effects for the Commission Delegated Regulation (EU) 2019/428. (See end of Document for details)*

A. *Identification*

Name and physical address of the packer and/or the dispatcher (for example: street/city/region/ postal code and, if different from the country of origin, the country).

This mention may be replaced:

— for all packages with the exception of pre-packages, by the officially issued or accepted code mark representing the packer and/or the dispatcher, indicated in close connection with the reference "Packer and/or Dispatcher" (or equivalent abbreviations). The code mark shall be preceded by the ISO 3166 (alpha) country/area code of the recognising country, if not the country of origin;

— for pre-packages only, by the name and the address of a seller established within the Union indicated in close connection with the mention "Packed for:" or an equivalent mention. In this case, the labelling shall also include a code representing the packer and/or the dispatcher. The seller shall give all information deemed necessary by the inspection body as to the meaning of this code.

B. *Origin*

Full name of the country of origin[(5)]. For products originating in a Member State this shall be in the language of the country of origin or any other language understandable by the consumers of the country of destination. For other products, this shall be in any language understandable by the consumers of the country of destination.

Packages need not to bear the particulars mentioned in the first subparagraph, when they contain sales packages, clearly visible from the outside, and all bearing these particulars. These packages shall be free from any indications such as could mislead. When these packages are palletised, the particulars shall be given on a notice placed in an obvious position on at least two sides of the pallet.

PART B

Specific marketing standards

PART 1:

MARKETING STANDARD FOR APPLES

I. DEFINITION OF PRODUCE

This standard applies to apples of varieties (cultivars) grown from *Malus domestica* Borkh., to be supplied fresh to the consumer, apples for industrial processing being excluded.

II. PROVISIONS CONCERNING QUALITY

The purpose of the standard is to define the quality requirements for apples, after preparation and packaging.

However, at stages following dispatch products may show in relation to the requirements of the standard:

— a slight lack of freshness and turgidity,

— for products graded in classes other than the "Extra" Class, a slight deterioration due to their development and their tendency to perish.