Commission Regulation (EC) No 46/2003 of 10 January 2003 amending the marketing standards for fresh fruit and vegetables as regards mixes of different types of fresh fruit and vegetables in the same sales package

COMMISSION REGULATION (EC) No 46/2003

of 10 January 2003

amending the marketing standards for fresh fruit and vegetables as regards mixes of different types of fresh fruit and vegetables in the same sales package

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables[(1)], as last amended by Regulation (EC) No 545/2002[(2)], and in particular Article 2(2) thereof,

Whereas:

(1) Under Article 3 of Regulation (EC) No 2200/96, fresh fruit and vegetables covered by marketing standards adopted under Article 2 of that Regulation may be placed on sale, sold, delivered or marketed only where they comply with those marketing standards. All those standards lay down that all the products contained in the same package must be of the same type.

(2) Packages containing different types of fruit and vegetables are becoming more common on the market in response to demand from certain consumers. All the marketing standards for fresh fruit and vegetables should therefore be amended to authorise this practice under the terms of Commission Regulation (EC) No 48/2003 of 10 January 2003 laying down the rules applicable to mixes of different types of fresh fruit and vegetables in the same sales package[(3)].

(3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fresh Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

The following paragraph is added to point A (Uniformity) of Title V (Provisions concerning presentation) in the Annex to the Regulations listed in the Annex to this Regulation:

Notwithstanding the preceding provisions in this point, products covered by this Regulation may be mixed, in sales packages **[**[F1]of a net weight of three kilograms or less**]**, with different types of fresh fruit and vegetables on the conditions laid down by Commission Regulation (EC) No 48/2003[(4)].

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EC) No 46/2003. (See end of Document for details)*

Textual Amendments

F1 Substituted by Commission Regulation (EC) No 6/2005 of 4 January 2005 correcting Regulations (EC) No 46/2003 and (EC) No 47/2003 as regards mixes of different types of fresh fruit and vegetables in the same sales package.

Article 2

This Regulation shall enter into force on the 20th day following that of its publication in the *Official Journal of the European Communities*.

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

ANNEX

Commission Regulation (EEC) No 1292/81[(5)], as last amended by Regulation (EC) No 1135/2001[(6)].

Commission Regulation (EEC) No 2213/83[(7)], as last amended by Regulation (EC) No 1508/2001[(8)].

Commission Regulation (EEC) No 899/87[(9)], as last amended by Regulation (EC) No 843/2002[(10)].

Commission Regulation (EEC) No 1591/87[(11)], as last amended by Regulation (EC) No 1135/2001.

Commission Regulation (EEC) No 1677/88[(12)], as last amended by Regulation (EC) No 888/97[(13)].

Commission Regulation (EEC) No 410/90[(14)], as last amended by Regulation (EC) No 888/97.

Commission Regulation (EC) No 831/97[(15)], as last amended by Regulation (EC) No 1167/1999[(16)].

Commission Regulation (EC) No 1093/97[(17)], as last amended by Regulation (EC) No 1615/2001[(18)].

Commission Regulation (EC) No 2288/97[(19)].

Commission Regulation (EC) No 963/98[(20)], as last amended by Regulation (EC) No 1135/2001.

Commission Regulation (EC) No 730/1999[(21)].

Commission Regulation (EC) No 1168/1999[(22)], as last amended by Regulation (EC) No 848/2000[(23)].

Commission Regulation (EC) No 1455/1999[(24)], as last amended by Regulation (EC) No 2706/2000[(25)].

Commission Regulation (EC) No 2335/1999[(26)].

Commission Regulation (EC) No 2377/1999[(27)].

Commission Regulation (EC) No 2561/1999[(28)], as last amended by Regulation (EC) No 532/2001[(29)].

Commission Regulation (EC) No 2789/1999[(30)], as last amended by Regulation (EC) No 716/2001[(31)].

Commission Regulation (EC) No 790/2000[(32)], as last amended by Regulation (EC) No 717/2001[(33)].

Commission Regulation (EC) No 851/2000[(34)].

Commission Regulation (EC) No 175/2001[(35)].

Commission Regulation (EC) No 912/2001[(36)].

Commission Regulation (EC) No 1508/2001.

Commission Regulation (EC) No 1543/2001[(37)].

Commission Regulation (EC) No 1615/2001[(38)].

Commission Regulation (EC) No 1619/2001[(39)].

Commission Regulation (EC) No 1799/2001[(40)], as last amended by Regulation (EC) No 453/2002[(41)].