



Brussels, **XXX**  
[...](2012) **XXX** draft

**COMMISSION IMPLEMENTING REGULATION (EU) No .../..**

**of **XXX****

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

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

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation)<sup>1</sup>, and in particular point (a) of the first paragraph of Article 121 and Article 127 in conjunction with Article 4 thereof,

Whereas:

- (1) Regulation (EC) No 1234/2007 and 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<sup>2</sup> provide for marketing standards for fruit and vegetables.
- (2) Certain fruit and vegetable products may have a size or other features that do not conform to the applicable marketing standards, due to their special organoleptic characteristics or for other reasons. A traditional cultivation and local consumption may nonetheless be well-established in respect of those products. To ensure that products which are deemed to be fit for consumption by local communities but which do not conform to the Union marketing standards are not prevented from being marketed locally, those products can be exempted from the Union marketing standards by a Commission Decision taken at the request of the Member State concerned. It is appropriate to clarify that such products may be sold by the retail trade of that Member State, and exceptionally even outside the region concerned.
- (3) Third countries of which the conformity checks have been approved under Article 15 of Implementing Regulation (EU) No 543/2011 are allowed to adopt conformity certificates in respect of compliance with specific marketing standards. In order to facilitate trade and to reduce the administrative burden, those third countries should be allowed to issue certificates of conformity for all fruit and vegetables.
- (4) During the E-coli crisis in 2011 it became apparent that it is not always possible to identify the producers of lots of fruit and vegetables. For the purpose of traceability, the general marketing standard needs to be amended so as to allow a better identification of producers.
- (5) In 2011 the Working Party on Agricultural Quality Standards of the United Nations Economic Commission for Europe (UN/ECE) revised the UN/ECE standards on apples and pears. In order to avoid unnecessary barriers to trade, the specific standards for apples and pears provided for in Implementing Regulation (EU) No 543/2011 should be aligned with the new UN/ECE standards. At the same time it is appropriate

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<sup>1</sup> OJ L 299, 16.11.2007, p. 1.

<sup>2</sup> OJ. L 157, 15.6.2011, p. 1.

to remedy some inconsistencies and imperfections in the marketing standards for peaches and nectarines and those for citrus fruit.

- (6) Certain mandarins other than satsumas and clementines that are currently grown, in particular Mandoras and Minneolas, are edible at a lower sugar/acid ratio than the one which has been laid down in Implementing Regulation (EU) No 543/2011, aligning the Union marketing standard to the UN/ECE standard. To give producers time to adapt to the UN/ECE standard by replanting rootstocks, a lower sugar/acid ratio should temporarily be allowed.
- (7) Israel is a third country of which the conformity checks have been approved under Article 15 of Implementing Regulation (EU) No 543/2011. Israel may therefore issue conformity certificates. For the sake of market transparency and in accordance with public international law, it should be clarified that the territorial coverage of the certificates is limited to the territory of the State of Israel excluding the territories under Israeli administration since June 1967, namely the Golan Heights, the Gaza Strip, East Jerusalem and the rest of the West Bank.
- (8) In order to ensure a correct application of Implementing Regulation (EU) No 543/2011, some obvious errors relating to references and dates should be corrected.
- (9) Implementing Regulation (EU) No 543/2011 should therefore be amended and corrected accordingly.
- (10) In order to allow Member States, traders and packers to prepare for the new provisions introduced in relation to the marketing standards, this Regulation should apply as from 1 October 2013. However, since the correction of obvious errors should have a retroactive effect which duly respects the legitimate expectations of those concerned, the corrections of Implementing Regulation (EU) No 543/2011 should apply as from the date of entry into force of that Implementing Regulation.
- (11) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

#### **Amendments to Implementing Regulation (EU) No 543/2011**

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

- (1) In Article 4(1), point (c) is replaced by the following:
  - "(c) products recognised in a Commission Decision taken at the request of a Member State in accordance with the procedure referred to in Article 195(2) of Regulation (EC) No 1234/2007 as products of a given region which are sold by the retail trade of that region or, in exceptional and duly justified cases, of that Member State, in case of well established traditional local consumption;"
- (2) In Article 15, paragraph 1 is replaced by the following:
  - "1. At the request of a third country, the Commission may, in accordance with the procedure referred to in Article 195(2) of Regulation (EC) No 1234/2007, approve checks on conformity to marketing standards carried out by that third country prior to import into the Union."

- (3) Annex I is amended in accordance with Annex I to this Regulation.
- (4) Annex IV is replaced by the text in Annex II to this Regulation.

#### *Article 2*

#### **Correction of Implementing Regulation (EU) No 543/2011**

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

- (1) In Article 12(5), the dates "30 June 2009" and "1 July 2009" are replaced by "21 June 2011" and "22 June 2011" respectively;
- (2) In Article 26(4), "paragraph 3" is replaced by "paragraph 2";
- (3) In the second subparagraph of Article 126(2), "Article 96(1)" is replaced by "Article 96(2)".

#### *Article 3*

#### **Entry into force and application**

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

It shall apply from 1 October 2013. However, Article 2 shall apply from 22 June 2011.

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

Done at Brussels,

*For the Commission*  
*The President*  
*José Manuel BARROSO*

## ANNEX I

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

(1) In Part A (General marketing standard), point 4 is replaced by the following:

"4. Marking

A. Identification

The name and the address of the packer and/or the dispatcher.

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);

- 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\*. 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.

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\* The full or commonly used name shall be indicated."

(2) Part B (Specific marketing standards) is amended as follows:

(a) Part 1 (marketing standard for apples) is amended as follows:

(i) in Section VI, point B is replaced by the following:

"B. Nature of produce

- 'Apples' if the contents are not visible from the outside.
  - Name of the variety. In the case of a mixture of apples of distinctly different varieties, names of the different varieties.
  - The name of the variety can be replaced by a synonym. The name of the mutant or a trade name\* can only be given in addition to the variety or the synonym.
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\* A trade name can be a trade mark for which protection has been sought or obtained or any other commercial denomination."

(ii) the Appendix is replaced by the text in the Appendix to this Annex;

(b) Part 2 (marketing standard for citrus fruit) is amended as follows:

(i) point B (maturity requirements) of Section II (provisions concerning quality) is amended as follows:

- in the second paragraph, the second indent, relating to "minimum total soluble solids content", is deleted;
- in the table, the third column, relating to "minimum sugar content (°Brix)", is deleted;
- in the table, in the row relating to "other mandarin varieties and their hybrids" ,in the fourth column, relating to "minimum sugar/acid ratio",the following footnote is added:
  - "For the varieties Mandora and Minneola the minimum sugar/acid ratio is 6.0:1 until the end of the marketing year commencing 1 January 2023."
- (ii) in point D (commercial specifications) of Section VI (provisions concerning marking), the second sub-indent of the second indent is replaced by the following:
  - "- Size code(s) followed, optionally, by a minimum and maximum size or count;"
- (c) Part 5 (marketing standard for peaches and nectarines) is amended as follows:
  - (i) in point C (classification) of Section II (provisions concerning quality), the words "The following slight skin defects" in point (ii) Class I and the words "The following skin defects" in point (iii) Class II are replaced by "The following slight defects" and "The following defects" respectively;
  - (ii) in Section III (provisions concerning sizing), the words "(if sized)" are deleted;
- (d) Part 6 (marketing standard for pears) is amended as follows:
  - (i) point B (nature of produce) of Section VI (provisions concerning marking) is replaced by the following:
 

**"B. Nature of produce**

    - 'Pears' if the contents of the package are not visible from the outside.
    - Name of the variety. In the case of a mixture of pears of distinctly different varieties, names of the different varieties.
    - The name of the variety can be replaced by a synonym. A trade name\* can only be given in addition to the variety or the synonym.

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\* A trade name can be a trade mark for which protection has been sought or obtained or any other commercial denomination."
  - (ii) in the appendix, in the third column of the table concerning the non-exhaustive list of large-fruited and summer pear varieties, the word "trade names" is replaced by "trademarks";
- (e) In Part 9 (marketing standard for table grapes), the appendix is deleted.

## Appendix to Annex I

### "Appendix

#### Non-exhaustive list of apple varieties

Fruits of varieties that are not part of the list must be graded according to their varietal characteristics.

Varieties	Mutant	Synonyms	Colour group	Russeting
African Red			B	
Akane		Tohoku 3, Primerouge	B	
Alborz Seedling			C	
Aldas			B	
Alice			B	
Alkmene		Early Windsor	C	
Alro			B	
Alwa			B	
Amasya			B	
Angold			C	
Antej		Antei	B	
Apollo		Beauty of Blackmoor	C	
Arkcharm		Arkansas No 18, A 18	C	
Arlet			B	R
Aroma			C	
	Mutants of Aroma e.g		C	
	Amorosa		C	
Auksis			B	
Beacon			A	
Belfort		Pella	B	
Belle de Boskoop				R
	Mutants of Belle de Boskoop e.g			R

	Boskoop rouge	Red Boskoop Roter Boskoop		R
Belle fleur double				
Belorusskoje Maĭinovoje		Belorusskoe Malinovie, Byelorusskoe Malinovie	B	
Berlepsch		Freiherr von Berlepsch	C	
	Mutants of Berlepsch e.g.		C	
	Berlepsch rouge	Red Berlepsch, Roter Berlepsch	C	
Blushed Golden				
Bogatir		Bogatyř		
Bohemia			B	
Braeburn			B	
	Mutants of Braeburn e.g.		B	
	Hidala		B	
	Joburn		B	
	Lochbuie Red Braeburn		B	
	Mahana Red		B	
	Mariri Red		B	
	Redfield		B	
	Royal Braeburn		B	
Bramley's Seedling		Bramley, Triomphe de Kiel		
Brettacher Samling				
Calville Groupe des				
Cardinal			B	
Carola		Kalco	C	
Caudle			B	



Charden				
Charles Ross				
Civni			B	
Coop 38				
Coromandel Red		Corodel	A	
Cortland			B	
Cox's Orange Pippin		Cox orange	C	R
	Mutants of Cox's Orange Pippin e.g.		C	R
	Cherry Cox		C	R
Crimson Bramley				
Cripps Pink			C	
	Mutants of Cripps Pink e.g.		C	
	Pink Rose		C	
	Rosy Glow		C	
	Ruby Pink		C	
Cripps Red			C* <sup>3</sup>	
Dalibel			B	R
Delblush				
Delcorf			C	
	Mutants of Delcorf e.g.		C	
	Dalili		C	
	Monidel		C	
Delgollune			B	

Delicious ordinaire		Ordinary Delicious	B	
Deljeni				
Delikates			B	
Delor			C	
Discovery			C	
Doč Melbi		Doch Melbi	C	
Dunn's Seedling				R
Dykman's Zoet			C	
Egremont Russet				R
Elan				
Elise		Red Delight	A	
Ellison's orange		Ellison	C	
Elstar			C	
	Mutants of Elstar e.g.		C	
	Bel-El		C	
	Daliest		C	
	Daliter		C	
	Elshof		C	
	Elstar Armhold		C	
	Elstar Reinhardt		C	
	Goedhof		C	
	Red Elstar		C	
	Valstar		C	
Empire			A	
Falstaff			C	
Fiesta		Red Pippin	C	
Florina			B	

Forele			B	
Fortune				R
Fuji			B	
	Mutants of Fuji e.g.		B	
	Fuji Brak		B	
Gala			C	
	Mutants of Gala e.g.		C	
	Annaglo		C	
	Baigent		C	
	Galaxy		C	
	Mitchgla		C	
	Obrogala		C	
	Regala		C	
	Regal Prince		C	
	Tenroy		C	
Garcia				
Gloster			B	
Goldbohemia				
Golden Delicious				
	Mutants of Golden Delicious e.g.			
Golden Russet				R
Goldstar				
Granny Smith				
Gradigold				
Gravensteiner		Gravenstein		
	Mutants of Gravensteiner e.g.			

	Gravenstein rouge	Red Gravenstein, Roter Gravensteiner		
Greensleeves				
Holsteiner Cox		Holstein		R
	Mutants of Holsteiner Cox e.g.			R
	Holstein rouge	Red Holstein, Roter Holsteiner Cox		R
Honeycrisp			C	
Honeygold				
Horneburger				
Howgate Wonder		Manga		
Idared			B	
Iedzēnu			B	
Ilga			B	
Ingrid Marie			B	R
Iron			C	
Isbranica		Izbranica	C	
Jacob Fisher				
Jacques Lebel				
Jamba			C	
James Grieve				
	Mutants of James Grieve e.g.			
	James Grieve rouge	Red James Grieve		
Jarka			C	
Jerseymac			B	
Jester				
Jonagold			C	

	Mutants of Jonagold e.g.		C	
	Crowngold		C	
	Daligo		C	
	Daliguy	Jonasty	C	
	Dalijean	Jonamel	C	
	Decosta		C	
	Jomar		C	
	Jomured	Van de Poel	C	
	Jonabel		C	
	Jonabres		C	
	Jonagold Boerekamp		C	
	Jonagold 2000	Excel	C	
	Jonagored Supra		C	
	Jonaveld		C	
	King Jonagold		C	
	New Jonagold	Fukushima	C	
	Novajo	Veulemanns	C	
	Primo		C	
	Red Jonaprince		C	
	Romagold	Surkijn	C	
	Rubinstar		C	
	Schneica	Jonica	C	
	Wilmuta		C	
Jonalord			C	
Jonathan			B	
Julia			B	
Jupiter				

Karmijn de Sonnaville			C	R
Katja		Katy	B	
Kent				R
Kidd's orange red			C	R
Kim			B	
Koit			C	
Koričnoje Novoje		Korichnoe Novoe, Korichnevoe Novoe	C	
Kovaļenkovskoje			B	
Krameri Tuvioun			B	
Kulikovskoje			B	
Lady Williams			B	
Lane's Prince Albert				
Laxton's Superb			C	R
Ligol			B	
Lobo			B	
Lodel			A	
Lord Lambourne			C	
Maigold			B	
McIntosh			B	
Meelis			B	
Melba			C	
Melodie			B	
Melrose			C	
Meridian			C	
Moonglo			C	
Morgenduft		Imperatore	B	
Mountain Cove				

Mutsu		Crispin		
Noris			B	
Normanda			C	
Nueva Europa			C	
Nueva Orleans			B	
Odin			B	
Ontario			B	
Orlik			B	
Orlovskoje Polosatoje			C	
Ozark Gold				
Paula Red			B	
Pero de Cirio				
Piglos			B	
Pikant			B	
Pikkolo			C	
Pilot			C	
Pimona			C	
Pinova			C	
Pirella			B	
Piros			C	
Prima			B	
Rafzubin			C	
	Mutants of Rafzubin, e.g.		C	
	Rafzubex		C	
Rajka			B	
Rambour d'hiver				
Rambour Franc			B	
Reanda			B	

Rebella			C	
Red Delicious			A	
	Mutants of Red Delicious e.g.		A	
	Campsur		A	
	Erovan		A	
	Fortuna Delicious		A	
	Otago		A	
	Red King		A	
	Red Spur		A	
	Red York		A	
	Richared		A	
	Royal Red		A	
	Shotwell Delicious		A	
	Stark Delicious		A	
	Starking		A	
	Starkrimson		A	
	Starkspur		A	
	Topred		A	
	Trumdor		A	
	Well Spur		A	
Red Dougherty			A	
Redkroft			A	
Regal			A	
Regina			B	
Reglindis			C	
Reine des Reinettes		Gold Parmoné, Goldparmäne	C	



Reineta Encarnada			B	
Reinette Rouge du Canada			B	
Reinette d'Orléans				
Reinette Blanche du Canada		Reinette du Canada, Canada Blanc, Kanadarenette, Renetta del Canada		R
Reinette de France				
Reinette de Landsberg				
Reinette grise du Canada		Graue Kanadarenette		R
Relinda			C	
Remo			B	
Renora			B	
Resi			B	
Resista				
Retina			B	
Rewena			B	
Roja de Benejama		Verruga, Roja del Valle, Clavelina	A	
Rome Beauty		Belle de Rome, Rome	B	
	Mutants of Rome Beauty e.g.		B	
	Red Rome		B	
Rosana			B	
Royal Beauty			A	
Rubin (Czech cultivar)			C	
Rubin (Kazakhstan cultivar)			B	
Rubinola			B	
Rudens Svītrainais		Osennee Polosatoe,	C	

		Rudenis Dryzuotasis, Rudens Svītrotais, Streifling, Streifling Herbst,Sūgisjoonik, Syysjuovikas and numerous others		
Saltanat			B	
Sciearly			A	
Scifresh			B	
Sciglo			A	
Sciray		GS48	A	
Scired			A	R
Sciros			A	
Selena			B	
Shampion			B	
Sidrunkollane Talioun				
Sinap Orlovskij				
Snygold		Earlygold		
Sommerregent			C	
Spartan			A	
Splendour			A	
St. Edmunds Pippin				R
Stark's Earliest			C	
Štaris		Staris	A	
Sturmer Pippin				R
Summerred			B	
Sūgisdessert			C	
Sunrise			A	
Sunset				R
Suntan				R
Sweet Caroline			C	

Talvenauding			B	R
Tellisaare			B	
Tiina		Tina	C	
Topaz			B	
Tydemant's Early Worcester		Tydemant's Early	B	
Veteran			B	
Vista Bella		Bellavista	B	
Wealthy			B	
Worcester Pearmain			B	
York			B	
Zailijskoje		Zailiyskoe	B	
Žigulovskoje		Zhigulovskoe	C	

\* With minimum 20% for Class I.

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**ANNEX II**

**"ANNEX IV**

**THIRD COUNTRIES WHERE THE CONFORMITY CHECKS HAVE BEEN APPROVED UNDER ARTICLE 15 AND THE PRODUCTS CONCERNED**

Country	Products
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Switzerland	Fresh fruit and vegetables other than citrus fruit
Morocco	Fresh fruit and vegetables
South Africa	Fresh fruit and vegetables
Israel* <sup>4</sup>	Fresh fruit and vegetables
India	Fresh fruit and vegetables
New Zealand	Apples, pears and kiwi fruit
Senegal	Fresh fruit and vegetables
Kenya	Fresh fruit and vegetables
Turkey	Fresh fruit and vegetables

\* The Commission's approval under Article 15 is given to fruit and vegetables originating within the State of Israel, excluding the territories under Israeli administration since June 1967, namely the Golan Heights, the Gaza Strip, East Jerusalem and the rest of the West Bank.

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