

Commission Regulation (EC) No 1580/2007 of 21 December 2007 laying down implementing rules of Council Regulations (EC) No 2200/96, (EC) No 2201/96 and (EC) No 1182/2007 in the fruit and vegetable sector (repealed)

## TITLE II

### CLASSIFICATION OF PRODUCTS

#### CHAPTER I

##### General rules

###### *Article 3*

##### **Exceptions and exemptions from the application of marketing standards**

1 By way of derogation from Article 2(5) of Regulation (EC) No 1182/2007, the following shall not be required to conform to the marketing standards:

- a products shipped to processing plants, other than where minimum quality criteria for products intended for industrial processing are specifically set in this Regulation;
- b products transferred by the producer on his holding to consumers for their personal use; and
- c on a Commission Decision taken at the request of a Member State using the procedure referred to in Article 46 of Regulation (EC) No 2200/1996 for products of a given region which are sold by the retail trade of the region for well established traditional local consumption.

2 By way of derogation from Article 2(5) of Regulation (EC) No 1182/2007, the following shall not be required to conform to the marketing standards within a given production area:

- a products sold or delivered by the grower to preparation and packaging stations or storage facilities, or shipped from his holding to such stations; and
- b products shipped from storage facilities to preparation and packaging stations.

3 By way of derogation from Article 2(5) of Regulation (EC) No 1182/2007, Member States may exempt the following from the requirement of complying with marketing standards or with some provisions of the marketing standards:

- a products displayed or offered for sale, sold, delivered or marketed in any other manner by the grower on wholesale markets, in particular on producer markets, situated in the production area; and
- b products shipped from those wholesale markets to preparation and packaging stations and storage facilities situated in the same production area.

Where the first subparagraph applies, the Member State concerned notify the Commission of the measures taken.

4 Evidence shall be supplied to the competent authority of the Member State that the products covered by paragraphs 1(a) and 2 fulfil the conditions laid down, in particular with regard to their intended use.

#### *Article 4*

##### **Information particulars**

1 The information particulars required by marketing standards laid down pursuant to Article 2 of Regulation (EC) No 1182/2007 must be shown legibly and obviously on one side of the packaging, either indelibly printed directly onto the package or on a label which is an integral part of the package or affixed to it.

2 For goods shipped in bulk and loaded directly onto a means of transport, the information particulars referred to in paragraph 1 shall be given in a document accompanying the goods or shown on a notice placed in an obvious position inside the means of transport.

#### *Article 5*

##### **Information particulars at the retail stage**

At the retail stage, where products are packaged the information particulars required by marketing standards laid down pursuant to Article 2 of Regulation (EC) No 1182/2007 shall be legible and conspicuous.

For pre-packaged products as referred to in Directive 2000/13/EC of the European Parliament and of the Council<sup>(1)</sup>, the net weight shall be indicated, in addition to all the information provided for in the marketing standards. However, in the case of products normally sold by number, the requirement to indicate the net weight shall not apply if the number of items may be clearly seen and easily counted from the outside or, if the number is indicated on the label.

Products may be presented unpackaged, provided that the retailer displays with the goods offered for sale a card showing prominently and legibly the information particulars specified in the marketing standards and in Article 2(1) of Regulation (EC) No 1182/2007 relating to variety, country of origin of the product, and class.

#### *Article 6*

##### **Sales packages**

1 Sales packages of fresh fruit and vegetables of a net weight of three kilograms or less may contain mixes of different types of fresh fruit and vegetables provided that:

- a the products are of uniform quality and that each type concerned complies with the standards in accordance with paragraph 2;
- b the package is appropriately marked, in accordance with paragraph 3; and
- c the mix is not such as to mislead the consumer.

2 The products contained in packages as referred to in paragraph 1 shall be of the same commercial quality class as referred to in Annex I.

Where a mix contains fruit and vegetables not covered by Community marketing standards, those products must be classed either in the same class, in accordance with Annex I.

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3 The marking on sales packages as referred to in paragraph 1 and/or on each package containing them shall show at least the following details:

- a The name and the address of the packer and/or the dispatcher. This mention may be replaced:
  - (i) 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);
  - (ii) for pre-packages only, by the name and the address of a seller established within the Community 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 name of each of the products/types contained in the package;
- c name of the variety or of the commercial type for each product contained in the mix for which the Community marketing standard requests it for non-mixed products;
- d country of origin of each of the products concerned, next to the name of the products concerned; and
- e class.

For fruit and vegetables covered by Community marketing standards, these details shall replace the particulars laid down by those standards.

## CHAPTER II

### Checks on conformity to marketing standards

#### Section 1

#### General provisions

##### *Article 7*

#### Scope

This Chapter lays down rules for Member States when carrying out checks at all stages of marketing on conformity to the marketing standards laid down pursuant to Article 2 of Regulation (EC) No 1182/2007.

##### *Article 8*

#### Competent bodies

- 1 Each Member State shall designate:
  - a a single competent authority responsible for coordination and contacts in the areas covered by this Chapter, hereinafter called 'the coordinating authority'; and

- b an inspection body or bodies responsible for the application of Article 2(6) of Regulation (EC) No 1182/2007, hereinafter called ‘the inspection bodies’.
- 2 The Member States shall communicate to the Commission:
- a the name and postal and e-mail address of the coordinating authority they have designated pursuant to paragraph 1;
  - b the name and postal and e-mail address of the inspection bodies they have designated pursuant to paragraph 1; and
  - c the exact description of the respective spheres of activity of the inspection bodies they have appointed.
- 3 The coordinating authority may be the inspection body or one of the inspection bodies or any other body designated pursuant to paragraph 1.
- 4 The Commission shall make publicly available the list of coordinating authorities designated by the Member States in the manner it considers appropriate.

### *Article 9*

#### **Trader database**

1 The Member States shall set up a database on traders in fruit and vegetables, which shall list, under the conditions established in this Article, traders involved in the marketing of fresh fruit and vegetables for which standards have been laid down pursuant to Article 2 of Regulation (EC) No 1182/2007.

For the purposes of this Chapter ‘trader’ means any natural or legal person holding fresh fruit and vegetables subject to marketing standards with a view to their displaying or offering for sale, their sale or their marketing in any other manner for itself or on behalf of a third party in the Community's territory and/or export to third countries.

2 Member States shall determine the conditions under which the following traders are to be included or not in the database:

- a traders whose activities are exempt from the obligation to comply with the marketing standards pursuant to Article 3; and
- b natural or legal persons whose activities in the fruit and vegetables sector are limited either to the transport of goods, or to the sale of small quantities at the retail stage.

3 Where the database is composed of several distinct elements, the coordinating authority shall ensure that the database, its elements and their updating are uniform. The updating shall be done in particular by the inspection bodies using the information collected during checks carried out at all stages of marketing.

4 This database shall contain, for each trader, the registration number, name, address, information needed for its classification in one of the categories mentioned in Article 10, in particular, position in the marketing chain, information concerning the importance of the firm, information concerning findings made during previous checks of each trader, as well as any other information considered necessary for checks.

5 Traders shall provide the information that Member States consider necessary to set up and update the database. Member States shall determine the conditions under which traders not established in their territory but trading on it shall be listed in their database.

## Section 2

### Checks carried out on the internal market

#### Article 10

### Conformity checks on the internal market

1 Member States shall introduce a system of sampling checks on the conformity with marketing standards of products held by traders at all stages of marketing.

Under this system, Member States shall specify the frequency, based on a risk analysis of a trader marketing goods not in conformity with the marketing standards, with which checks must be made by the inspection bodies. The frequency of checks must be sufficient to ensure compliance with Community rules, for each category of trader they have first defined.

This risk analysis shall relate, in particular, to the size of the traders, their position in the marketing chain, findings made during previous checks and other possible parameters to be defined by the Member States.

Traders involved in preparing and packaging fruit and vegetables, particularly in the production region, shall be subject to a higher rate of checks than other categories of trader. Checks may also occur during transport.

Where checks reveal significant irregularities, the inspection bodies shall increase the frequency of checks on the traders concerned.

2 Traders shall provide the inspection bodies with all information those bodies judge necessary for organising and carrying out checks.

3 Member States may authorise traders guaranteeing a uniform and high conformity rate of the fruit and vegetables subject to marketing standards at the stage of dispatch to use the specimen in Annex II in the labelling of each package. The authorisation shall be granted for a period of three years and shall be renewable.

In addition, in order to benefit from the use of the specimen, traders shall:

- a have inspection staff who have received training approved by the Member State;
- b have suitable equipment for preparing and packing produce;
- c commit themselves to proceed to a conformity check of the goods they dispatch and have a register recording all operations of checks carried out.

When traders are no longer able to guarantee a high and uniform conformity rate, or when one of the conditions provided for in the second subparagraph is no longer fulfilled, the Member State shall withdraw the authorisation for the trader to use the specimen in Annex II in the labelling of each package.

4 The coordinating authority shall communicate to the Commission the provisions of the inspection system as referred to in paragraph 1. This communication shall include the different categories of traders that were identified and the check frequency specified for each of them, as well as, where appropriate, the detailed conditions of implementation of paragraph 3, the detailed conditions of implementation of Article 11(1), including the minimum proportions of checks for the different traders concerned. It shall immediately inform the Commission of any subsequent amendments to that system.

5 The inspection bodies of a Member State on whose territory a lot of goods from another Member State is found not to conform with the standards because of defects or deterioration which could have been detected at the time of packaging shall immediately notify such cases of non-conformity discovered up to the wholesale marketing stage, including at distribution centres, to the authorities of the other Member States likely to be concerned.

#### *Article 11*

### **Conformity checks at the point of export**

1 The competent inspection body shall at the stage of export ensure by a conformity check that products intended for export to third countries leave the Community's customs territory only if they conform to the marketing standards.

Exporters shall provide the inspection bodies with all information those bodies judge necessary for organising and carrying out checks.

2 Member States may specify, for each category of trader concerned and based on a risk analysis, the minimum proportion of consignments and quantities subject to conformity checks by the competent inspection body at the export stage. This proportion shall be sufficient to ensure compliance with Community rules. Where these checks reveal significant irregularities, the inspection bodies shall increase the proportion of consignments checked in the case of the traders concerned.

Member States may apply the provisions mentioned in the second subparagraph to traders fulfilling the following conditions:

- a they offer sufficient guarantees of a consistent and high rate of conformity for the fruit and vegetables which they market;
- b they have inspection staff who have received training approved by the Member State;
- c they undertake to check the conformity of the goods they market; and
- d they undertake to keep a register recording all the checks they have carried out.

3 After completion of the checking operations mentioned in paragraph 1 the inspection body shall issue a certificate of conformity as set out in Annex III for each lot intended for export and which they consider to be in conformity with the marketing standards. Where the export consignment consists of several lots, the conformity of those lots may be certified on a single certificate which clearly lists the various lots constituting that consignment.

Where, in accordance with paragraph 2, lots concerned by the certificate of conformity have not been checked by the competent inspection body at the export stage, the mention 'self-check (Article 11(2) of Commission Regulation (EC) No 0000/2007)' shall be reported in box 13 (Comments) of the certificate.

4 The export declaration may be accepted by the competent customs authority only if:

- a the goods are accompanied by either the certificate referred to in paragraph 3 or the certificate referred to in Article 19(2); or
- b the competent inspection body informed the customs authority, by appropriate means, that the relevant lots have been subject to the issue of one of those two certificates.

## Article 12

### Conformity checks at the point of import

1 Before release for free circulation, products from third countries shall be checked for conformity with the marketing standards.

Importers shall provide the inspection bodies with all information those bodies judge necessary to organising and carrying out the checks mentioned in paragraph 2 and Article 16(1).

2 Without prejudice to Section 3, the official inspection body shall carry out a conformity check at the point of import for each imported lot and, where those products conform with the required standards, issue a certificate of conformity as set out in Annex III. Where the import consignment consists of several lots, the conformity of those lots may be certified on a single certificate which clearly lists the various lots constituting that consignment.

3 The customs authorities shall authorise release for free circulation only if:

- a the goods are accompanied by the certificate referred to in paragraph 2, the certificate referred to in Article 14(1) or the certificate referred to in Article 19(2); or if
- b the competent inspection body informed the customs authority, by appropriate means, that the relevant lots have been subject to the issuance of one of those certificates.

4 By way of derogation from paragraphs 1, 2 and 3, where the competent inspection body at the point of import considers that there is a low risk of certain lots not conforming to the marketing standards, it may choose not to check those lots. It shall send the customs authority a stamped declaration to that effect or inform that authority in another manner that it may carry out clearance procedures.

For the purposes of applying the first subparagraph, the inspection body shall lay down in advance the criteria for assessing the risk of lots not conforming and, on the basis of a risk analysis, for each type of import it has defined, the minimum proportions of consignments and quantities which will be subject to a conformity check by the competent inspection body at the import stage. Any proportion specified pursuant to this paragraph must in any case be substantially higher than the ones applied according to Article 16(1).

5 In order to improve the uniformity of application of paragraph 4 in the Member States, the Commission shall adopt common guidelines for its application. The coordinating authority shall inform the Commission forthwith of the rules for the application of paragraph 4, including the criteria and minimum proportions referred to in paragraph 4, second subparagraph and any subsequent amendment to those rules.

6 Where, on import from a third country, a lot of goods are found not to conform with the standards, the coordinating authority of the Member State concerned shall immediately notify the Commission and the coordinating authorities of the other Member States likely to be concerned, which shall then pass on this information as necessary in their territory. The Commission shall be notified via the electronic system indicated by the Commission.

### Section 3

#### **Checks performed by third countries**

##### *Article 13*

#### **Approval of checking operations performed by third countries prior to import into the Community**

1 At the request of a third country, the Commission may approve, in accordance with the procedure laid down in Article 46 of Regulation (EC) No 2200/96, conformity checking operations performed by this third country prior to import into the Community.

2 The approval referred to in paragraph 1 may be granted to third countries which so request and on whose territory the Community marketing standards, or at least equivalent standards, are met for products exported to the Community.

The approval shall specify the official authority in the third country under the responsibility of which checking operations referred to in paragraph 1 are performed. This authority shall be responsible for contacts with the Community. The approval also specifies the inspection bodies in charge of the proper checks, hereinafter called 'third country inspection bodies'.

The approval may only apply to products originating in the third country concerned and may be limited to certain products.

3 The third country inspection bodies shall be official bodies or officially recognised by the authority referred to in paragraph 2 providing satisfactory guarantees and disposing of the necessary personnel, equipment and facilities to carry out checks according to the methods referred to in Article 20(1) or equivalent methods.

4 The list of countries whose checks on conformity have been approved under this Article, and the products concerned, are set out in Part A of Annex IV. Details of their official authorities and inspection bodies are set out in Part B of that Annex and the models for the certificates referred to in Article 14 are set out in Part C of that Annex.

##### *Article 14*

#### **Certificates**

1 The third country inspection bodies shall draw up, for each lot checked prior to its entry into Community customs territory, either the certificate of conformity set out in Annex III, or any other form agreed between the Commission and the third country. Where the import consignment consists of several lots, the conformity of these lots may be certified on a single certificate which clearly lists the various lots constituting that consignment.

The standard forms on which the certificates provided for in the first subparagraph are drawn up shall be established within the framework of the approval referred to in Article 13(1).

2 The certificate shall bear the word 'original'. Where additional copies are required, they should be stamped with the word 'copy'. The competent authorities in the Community shall accept as valid only the original of the certificate.



The form shall measure 210 × 297 mm; a tolerance of up to plus 8 mm or minus 5 mm in the length may be allowed. The paper used shall be white, not containing mechanical pulp, sized for writing and shall weigh not less than 40 g/m<sup>2</sup>.

The forms shall be printed and completed in one of the official languages of the Community.

The forms must be completed using a mechanographical or similar process.

Entries must not be erased or overwritten. Any alterations shall be made by crossing out the incorrect particulars and, where appropriate, adding those required. Such changes shall be initialled by the person making them and endorsed by the issuing authorities.

Each certificate shall bear a serial number, by which it can be identified, and shall be stamped by the issuing authority and signed by the person or persons empowered to do so.

The issuing authority shall retain a copy of each certificate it issues.

#### *Article 15*

### **Suspension of approval**

The Commission may suspend approval if it is found that, in a significant number of lots and/or quantities, the goods do not correspond to the information in the certificates of conformity issued by the third country inspection bodies, or where an unsatisfactory response has been made to the requests for *a posteriori* checks as referred to in Article 16(2).

#### *Article 16*

### **Additional checks by the Member States**

1 Member States shall conduct physical checks at the point of import on products imported under the conditions set out in this Section for conformity with the standards by carrying out conformity checks for each third country concerned on a significant proportion of the consignments and quantities imported under those conditions. This proportion shall be sufficient to ensure compliance with the Community rules by the third country inspection bodies. Member States shall ensure that the measures laid down in Article 20(3) are applied to the lots checked where those lots do not comply with the marketing standards.

Where checks reveal significant irregularities, Member States shall immediately inform the Commission, and the inspection bodies shall increase the proportion of consignments and quantities checked in accordance with the provisions of this Article.

If a Member State levies a fee to cover the costs of the checks referred to in this paragraph, the level of this fee shall be such as to reflect the lower proportion of consignments and quantities checked for these checks than for those mentioned in Article 12.

2 Whenever doubts arise as to the authenticity of a certificate as referred to in the first subparagraph of Article 14(1) or the accuracy of the information contained therein, an *a posteriori* check shall be carried out.

The competent authority in the Community shall return the certificate or its copy thereof to the official correspondent in the third country, as referred to in the second subparagraph of Article 13(2), giving, where appropriate, the reasons for the enquiry and any information obtained suggesting that the certificate is not authentic or that the details it contains are incorrect. Requests for *a posteriori* checks shall be brought to the attention of the Commission as quickly as possible, together with the results of each request.

Where a request is made for an *a posteriori* check, the importer of the products concerned may ask the competent inspection bodies to carry out a conformity check as referred to in Article 12.

#### Article 17

### Obligations of communication

1 The coordinating authority shall communicate to the Commission each quarter, by the end of the quarter following that quarter at the latest, for each third country and product concerned, the number of lots and total quantities imported in accordance with Article 13, the number of lots and the quantities which have been checked for conformity as referred to in Article 16(1) and, of those lots, those which the inspection bodies found not to conform with the data mentioned in the conformity certificates issued by the third country inspection body, specifying the quantities for each of those lots and the type of defects giving rise to that finding.

2 The customs authorities shall closely cooperate with the coordinating authority and/or the inspection bodies in particular as regards the application of Article 16(1) and (2) and provide them with all the information necessary.

#### Article 18

### Administrative cooperation

1 The application of this Section shall be subject to the establishment of a procedure for administrative cooperation between the Community and each third country concerned.

To be eligible for this procedure, the third countries concerned shall send the Commission all relevant information on checking operations, in particular specimens of the stamp imprints used by the inspection bodies of the third country and, where appropriate, and without delay, any change to this information. The Commission shall notify this information, and any subsequent amendments, to the coordinating authorities in the Member States who shall inform the customs authorities and other competent authorities thereof.

Once administrative cooperation has been established, and following any significant amendment of the information communicated by a third country concerned both within the framework of this administrative cooperation and as regards the names and addresses of the official correspondent and of the inspection bodies, the Commission shall make a notice to this end publicly available by such means as it considers appropriate.

2 The approval of the third countries referred to in Article 13(4) shall apply from the date the notice referred to in paragraph 1 of this Article relating to the establishment of administrative cooperation between the Community and the third country is made publicly available by the Commission.

## Section 4

### **Products intended for processing**

#### *Article 19*

### **Products intended for processing**

1 For the purpose of the application of this Regulation, products intended for processing are fresh fruit and vegetables subject to marketing standards that are shipped to processing plants where they are processed into products classified in a CN position different from that of the initial fresh product.

2 The competent inspection bodies shall issue certificates of industrial use set out in Annex V for products intended for export to third countries and products imported into the Community where such products are intended for processing and are, therefore, in accordance with Article 3(1)(a), not subject to conformity with the marketing standards. They shall ensure that the special labelling provisions laid down in paragraph 4 of this Article are complied with.

3 In the case of imports, after having issued any certificate referred to in paragraph 2, the competent inspection body shall immediately send to the coordinating authority of the Member State where processing is to take place a copy of the certificate and any forth information needed for a possible check of the processing operations. After processing, the processing enterprise shall return the certificate to the competent inspection body, which shall ensure that the products have actually been processed.

4 The packaging of products intended for processing must be clearly marked by the pack with the words ‘intended for processing’ or other equivalent wording. In the case of goods shipped in bulk, directly loaded onto a means of transport, this indication shall be given in a document accompanying the goods or shown on a notice placed in an obvious position inside the means of transport.

5 Members States shall take all the appropriate measures, in particular those related to cooperation with the other Member States concerned, to avoid any goods intended for the fresh market being shipped outside the region of production as goods intended for processing.

## Section 5

### **Method of inspection**

#### *Article 20*

### **Method of inspection**

1 The conformity checks provided for in this Chapter, with the exception of those at the point of retail sale to the end consumer, shall be carried out in accordance with the methods laid down in Annex VI, save as otherwise provided under this Regulation.

Member States shall lay down specific arrangements for checking conformity at the point of retail sale to the end consumer.

2 Where inspectors find that the goods conform with the marketing standards, the inspection body may issue a certificate of conformity as set out in Annex III. This certificate shall in any event be issued at the point of import or export.

3 Where the goods do not conform with the standards, the inspection body shall issue a finding of non-conformity for the attention of the trader or their representatives. Goods for which a finding of non-conformity has been issued may not be moved without the authorisation of the inspection body which issued that finding. This authorisation can be subject to the respect of conditions laid down by the inspection body.

Traders may decide to bring all or some of the goods into conformity. Goods brought into conformity may not be marketed before the competent inspection body has ensured by all appropriate means that the goods have actually been brought into conformity. It shall issue, where applicable, a certificate of conformity as set out in Annex III for the lot or part thereof only once the goods have been brought into conformity.

If an inspection body accepts a trader's wish to bring the goods into conformity in a Member State other than that where the check leading to a finding of non-conformity has been carried out, the Member States shall take any measures which they deem appropriate, in particular with regard to cooperation between them, to check that the goods have been brought into conformity.

Where the goods can neither be brought into conformity nor sent to animal feed, industrial processing or any other non-food use, the inspection body may, if necessary, request traders to take adequate measures in order to ensure that the products concerned are not marketed.

Traders shall supply all information deemed necessary by Member States for the application of this paragraph.

4 For the purposes of applying this Chapter, invoices and accompanying documents shall indicate the quality class, the country of origin of the products and, where appropriate, the fact that it is intended for processing. This requirement shall not apply to retail sale to the end consumer.

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*Status: This is the original version (as it was originally adopted).*

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- (1) [OJ L 109, 6.5.2000, p. 29](#). Directive as last amended by Directive 2006/142/EC ([OJ L 368, 23.12.2006, p. 110](#)).