

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

TITLE II

CLASSIFICATION OF PRODUCTS

CHAPTER II

Checks on conformity to marketing standards

Section 2

Conformity checks^{F1}...

Article 11

Conformity checks

1 [F1The appropriate authorities] shall ensure that conformity checks are carried out selectively, based on a risk analysis, and with appropriate frequency, so as to ensure compliance with the marketing standards and other provisions of this Title [F2and of [F3[F4 Article] 76 of Regulation (EU) No 1308/2013].][F2, of Article 76 of [F5Regulation (EU) No 1308/2013] and in regulations made under section 9 of the Agriculture (Retained EU Law and Data) (Scotland) Act 2020.]

^{F6}The criteria to assess the risk shall include the existence of a conformity certificate referred to in Article 14 issued by a competent authority of a third country where the conformity checks have been approved pursuant to Article 15. The existence of such certificate shall be considered as a factor reducing the risk of non-conformity.

The criteria to assess the risk may also include:

- a the nature of the product, the period of production, the price of the product, the weather, the packing and handling operations, the storage conditions, the country of origin, the means of transport or the volume of the lot;
- b the size of the traders, their position in the marketing chain, the volume or value marketed by them, their product range, the delivery area or the type of business carried out such as storage, sorting, packing or sale;
- c findings made during previous checks including the number and type of defects found, the usual quality of products marketed, the level of technical equipment used;
- d the reliability of traders' quality assurance systems or self-checking systems related to the conformity to marketing standards;
- e the place where the check is carried out, in particular if it is the point of first entry into [F7Great Britain], or the place where the products are being packed or loaded;
- f any other information that might indicate a risk of non-compliance.

Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 543/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

2 The risk analysis shall be based on the information contained in the trader database referred to in Article 10 and shall classify traders in risk categories.

[^{F8}The appropriate authorities] shall lay down in advance:

- a the criteria for assessing the risk of non-conformity of lots;
- b on the basis of a risk analysis for each risk category, the minimum proportions of traders or lots and/or quantities which will be subject to a conformity check.

[^{F8}The appropriate authorities] may choose not to carry out selective checks on products not subject to specific marketing standards, based on a risk analysis.

3 Where checks reveal significant irregularities, [^{F9}the appropriate authorities] shall increase the frequency of checks in relation to traders, products, origins, or other parameters.

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

Textual Amendments

- F1** Words in Art. 11(1) substituted (31.12.2020) by [The Market Measures \(Marketing Standards\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/822\)](#), regs. 1, **8(28)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in Art. 11(1) substituted (S.) (2.2.2023) by [The Agriculture \(Retained EU Law and Data\) \(Scotland\) Act 2020 \(Consequential Modifications\) and Agricultural Products, Aquatic Animal Health and Genetically Modified Organisms \(EU Exit\) \(Amendment\) Regulations 2022 \(S.S.I. 2022/361\)](#), regs. 1, **5(5)**
- F3** Words in Art. 11(1) substituted (31.12.2020) by [The Market Measures \(Marketing Standards\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/822\)](#), regs. 1, **8(28)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** Word in Art. 11(1) substituted (E.) (1.12.2022) by [The Common Organisation of the Markets in Agricultural Products \(Amendment\) Regulations 2022 \(S.I. 2022/1150\)](#), regs. 1(2), **7(5)**; and substituted (W.) (14.12.2022) by [The Common Organisation of the Markets in Agricultural Products \(Amendment\) \(Wales\) Regulations 2022 \(S.I. 2022/1215\)](#), regs. 1(2), **4(5)**
- F5** Words in Art. 11(1) substituted (S.) (23.4.2023) by [The Alcoholic Beverages, Fruit and Vegetables \(Miscellaneous Amendment\) \(Scotland\) Regulations 2023 \(S.S.I. 2023/107\)](#), regs. 1(1), **2(2)**
- F6** Words in Art. 11(1) re-inserted (following their unintended omission by S.S.I. 2022/361, **reg. 5(5)**) (S.) (23.4.2023) by [The Alcoholic Beverages, Fruit and Vegetables \(Miscellaneous Amendment\) \(Scotland\) Regulations 2023 \(S.S.I. 2023/107\)](#), regs. 1(1), **2(3)**
- F7** Words in Art. 11(1)(e) substituted (31.12.2020) by [The Market Measures \(Marketing Standards\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/822\)](#), regs. 1, **8(28)(b)** (as substituted by S.I. 2020/1453, regs. 1(2)(b), **10(12)**)
- F8** Words in Art. 11(2) substituted (31.12.2020) by [The Market Measures \(Marketing Standards\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/822\)](#), regs. 1, **8(29)**; 2020 c. 1, Sch. 5 para. 1(1)
- F9** Words in Art. 11(3) substituted (31.12.2020) by [The Market Measures \(Marketing Standards\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/822\)](#), regs. 1, **8(30)**; 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation:

There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 543/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- Regulation applied (with modifications) by [S.I. 2023/959 reg. 4\(a\)Sch. 1](#)
- Art. 11(1)(e) words substituted by [S.I. 2019/822 reg. 8\(28\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Reg. 8(28)(b) substituted immediately before IP completion day by S.I. 2020/1453, regs. 1(2)(b), 10(12))