

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 I

General rules

Article 3

Marketing standards; holders

1 The requirements of Article 113a(1) of Regulation (EC) No 1234/2007 shall be the general marketing standard. The details of the general marketing standard are set out in Part A of Annex I to this Regulation.

Fruit and vegetables not covered by a specific marketing standard shall conform to the general marketing standard. However, where the holder is able to show that the products are in conformity with any applicable standards adopted by the United Nations Economic Commission for Europe (UNECE), they shall be considered as conforming to the general marketing standard.

2 The specific marketing standards referred to in Article 113(1)(b) of Regulation (EC) No 1234/2007 are set out in Part B of Annex I to this Regulation as regards the following products:

- a apples,
- b citrus fruit,
- c kiwifruit,
- d lettuces, curled leaved and broad-leaved endives,
- e peaches and nectarines,
- f pears,
- g strawberries,
- h sweet peppers,
- i table grapes,
- j tomatoes.

3 For the purposes of Article 113a(3) of Regulation (EC) No 1234/2007, 'holder' means any natural or legal person who is in physical possession of the products concerned.

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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)

Article 4

Exceptions and exemptions from the application of marketing standards

1 By way of derogation from Article 113a(3) of Regulation (EC) No 1234/2007, the following products shall not be required to conform to the marketing standards:

- a provided they are clearly marked with the words ‘intended for processing’ or ‘for animal feed’ or any other equivalent wording, products:
 - (i) intended for industrial processing, or
 - (ii) intended for animal feed or other non-food use;
- b products transferred by the producer on his holding to consumers for their personal use;
- [^{F1}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;]
- d products having undergone a trimming or cutting making them ‘ready to eat’ or ‘kitchen ready’.
- e products marketed as edible sprouts, following germination of seeds of plants classified as fruit and vegetables under Article 1(1)(i) and Part IX of Annex I to Regulation (EC) No 1234/2007.

2 By way of derogation from Article 113a(3) of Regulation (EC) No 1234/2007, the following products 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 113a(3) of Regulation (EC) No 1234/2007, Member States may exempt from the specific marketing standards products presented for retail sale to consumers for their personal use and labelled ‘product intended for processing’ or with any other equivalent wording and intended for processing other than those referred to in paragraph 1(a)(i) of this Article.

4 By way of derogation from Article 113a(3) of Regulation (EC) No 1234/2007, Member States may exempt from the marketing standards products directly sold by the producer to the final consumer for personal use on markets reserved only for producers within a given production area defined by Member States.

5 By way of derogation from Article 113a(3) of Regulation (EC) No 1234/2007 as regards the specific marketing standards, fruit and vegetables other than the ‘Extra’ Class, at stages following dispatch, may show a slight lack of freshness and turgidity and slight deterioration due to their development and their tendency to perish.

6 By way of derogation from Article 113a(3) of Regulation (EC) No 1234/2007, the following products shall not be required to conform to the general marketing standard:

- a non-cultivated mushrooms of CN code 0709 59,
- b capers of CN code 0709 90 40,
- c bitter almonds of CN code 0802 11 10,

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- d shelled almonds of CN code 0802 12,
- e shelled hazelnuts of CN code 0802 22,
- f shelled walnuts of CN code 0802 32,
- g pine nuts of CN code 0802 90 50,
- h pistachios of CN code 0802 50 00,
- i macadamia of CN code 0802 60 00,
- j pecans of CN code ex 0802 90 20,
- k other nuts of CN code 0802 90 85,
- l dried plantains of CN code 0803 00 90,
- m dried citrus of CN code 0805,
- n mixtures of tropical nuts of CN code 0813 50 31,
- o mixtures of other nuts of CN code 0813 50 39,
- p saffron of CN code 0910 20.

7 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.

Textual Amendments

- F1** Substituted by [Commission Implementing Regulation \(EU\) No 594/2013 of 21 June 2013 amending Implementing Regulation \(EU\) No 543/2011 as regards marketing standards in the fruit and vegetables sector and correcting that Implementing Regulation.](#)

Article 5

Information particulars

1 The information particulars required by this Chapter shall 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.

3 In the case of distance contracts within the meaning of Article 2(1) of Directive 97/7/EC of the European Parliament and of the Council⁽¹⁾, conformity with the marketing standards shall require that the information particulars shall be available before the purchase is concluded.

4 Invoices and accompanying documents, excluding receipts for the consumer, shall indicate the name and the country of origin of the products and, where appropriate, the class, the variety or commercial type if required in a specific marketing standard, or the fact that it is intended for processing.

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Article 6

Information particulars at the retail stage

1 At retail stage, the information particulars required by this Chapter shall be legible and conspicuous. Products may be presented for sale provided the retailer displays prominently, adjacent to and legibly the information particulars relating to country of origin and, where appropriate, class and variety or commercial type in such a way as not to mislead the consumer.

2 For products which are pre-packaged within the meaning of Directive 2000/13/EC of the European Parliament and of the Council⁽²⁾, the net weight shall be indicated, in addition to all the information provided for in the marketing standards. However, in the case of products 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.

Article 7

Mixes

1 The marketing of packages of a net weight of 5 kg or less containing mixes of different species of fruit 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(1)(i) of Regulation (EC) No 1234/2007.

3 If the fruit and vegetables 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 and vegetables',
- b 'mix of non- EU fruit and vegetables',
- c 'mix of EU and non-EU fruit and vegetables'.

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- (1) OJ L 144, 4.6.1997, p. 19.
- (2) OJ L 41, 14.2.2003, p. 33.

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