



Brussels, 17.8.2023
C(2023) 5448 final

COMMISSION DELEGATED REGULATION (EU) .../...

of 17.8.2023

supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards marketing standards for the fruit and vegetables sector, certain processed fruit and vegetable products and the bananas sector, and repealing Commission Regulation (EC) No 1666/1999 and Commission Implementing Regulations (EU) No 543/2011 and (EU) No 1333/2011

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

Regulation (EU) No 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products (the CMO Regulation) lays down rules regarding marketing standards in the fruit and vegetables sector and the bananas sector. The Regulation also empowers the Commission to adopt delegated acts on marketing standards for these sectors.

The purpose of this delegated act is to align the existing Commission regulations on marketing standards for fruit and vegetables and bananas to the empowerments of the CMO Regulation, which are based on the legal framework for empowerments introduced by the Lisbon Treaty. These empowerments consist partly of delegated and partly of implementing powers. Therefore, Commission Implementing Regulation (EU) No 543/2011, Commission Implementing Regulation (EU) No 1333/2011 and Commission Regulation (EC) No 1666/1999 should be repealed and replaced by a Delegated and an Implementing Act in line with Articles 290 and 291 of the Treaty on the Function of the European Union (TFEU).

Another purpose of this delegated act is the alignment with the objectives of the Farm to Fork Strategy, regarding in particular increased information for consumers and reduction of food waste. It is also an opportunity to modernize and simplify the rules by merging fruit and vegetables legislation with banana and dried grapes legislation, and deleting obsolete provisions.

Also, this delegated act amends the existing marketing standards in line with several amendments to the quality standards of the United Nations Economic Commission for Europe (UNECE). In particular, in order to avoid unnecessary barriers to trade, the specific standards for strawberries should be aligned with the UNECE standards.

The adoption of this delegated act does not entail financial implications.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

Consultations, involving experts from all 27 Member States, have been carried out within the Experts Group for Agricultural Markets established under the CMO Regulation, in particular concerning aspects falling under the single CMO Regulation – Horticultural products held on 23 September 2022, on 26 October 2022, on 22 November 2022, on 24 January 2023 and on 24 March 2023.

During these meetings, the Commission services presented amended versions of the texts taking into account the observations and comments made in each of the meetings or sent in writing to the Commission services. Experts of the European Parliament could participate as observers to these meetings.

Stakeholders have had the opportunity to assess the various versions of the draft Delegated Regulation since those were posted on the Register of Commission expert groups. Comments received on this basis have been taken into account as far as possible.

Comments were also received and taken into account during the general public consultation carried out through the publication of the draft Delegated Regulation on the Better Regulation Portal from 21/04/2023 to 19/05/2023.

The feedback received from 41 stakeholders representing business/companies, business associations, NGOs and trade unions. Most of the feedback comes from two Member States (66%). The majority deal with the compulsory indication in the label of the country of origin.

Several inputs (for the majority from traders and processors from one member State) point to the challenges entailed by the provision for the 4th range products, highlighting the costs and the need to adjust for the operators. These inputs seem to ignore that for the 4th range the obligation to indicate the country of origin has been applied by the current Regulation (EU) No 543/2011 and the draft delegated regulation is only improving clarity of the relevant legal provision and definition of the products, as requested by the Member States. Most of this feedback argued that the new wording prevents them to use fruit and vegetable not conform to the marketing standards, with the risk to increase food waste. Some other feedback, especially from producers and consumers associations, welcomes the obligation to indicate the country of origin, and some ask also to extend it further in order to provide consumers sufficient information. The Commission considers the draft as an adequate compromise between the need for the consumers to make a sufficiently informed choices and the challenges for some operators to adjust. In view to ease the latter, the draft provides a sufficiently long time for the application of the new rules (1 January 2025). Moreover, following the comments on the risk of generating food waste, the draft was modified to clarify that 4th range products can benefit from the simplification granted for mixes of different products and species of products and to exempt the fresh products used for these preparations to conform to marketing standards. It has been also clarified that the 4th range products are not subject to any other general or specific marketing standard except to the indication of the origin. Other feedback from charity organisations was related to exemption from the marketing standard of donated fruit and vegetable. The proposal provides already exemption from most of the requirements, with the exception of few elements to ensure that the products donated are not excessively deteriorated. Another modification introduced following some inputs received concerns a further simplification of the marketing standard for bananas produced in less favoured climatic areas.

WTO partners were also notified.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

This delegated act is based on Articles 75(2), 76(4) and 89 of Regulation (EU) No 1308/2013.

The delegated act supplements the CMO Regulation by merging and amending rules on marketing standards currently contained in Commission Implementing Regulation (EU) No 543/2011, Commission Implementing Regulation (EU) No 1333/2011 and Commission Regulation (EC) No 1666/1999, aligning these rules to the Farm to Fork Strategy and amending the specific marketing standard for strawberries, and repeals Commission Implementing Regulation (EU) No 543/2011, Commission Implementing Regulation (EU) No 1333/2011 and Commission Regulation (EC) No 1666/1999.

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THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007¹, and in particular Article 75(2), Article 76(4) and Article 89 thereof,

Whereas:

- (1) Regulation (EU) No 1308/2013 establishes a common organisation of agricultural markets, which includes, among others, the fruit and vegetables sector, the processed fruit and vegetable products sector and the bananas sector. It also empowers the Commission to adopt delegated and implementing acts on marketing standards for these sectors or products therein.
- (2) Commission Implementing Regulation (EU) No 543/2011² lays down detailed rules in respect of the fruit and vegetables and processed fruit and vegetables sectors, providing for marketing standards for all fresh fruit and vegetables and detailed provisions concerning checks on conformity to marketing standards. Commission Implementing Regulation (EU) No 1333/2011³ lays down the marketing standards for bananas, rules on the verification of compliance with those marketing standards and requirements for notifications in the bananas sector. Commission Regulation (EC) No 1666/1999⁴ lays down detailed rules as regards the minimum marketing characteristics for certain varieties of dried grapes. Those Regulations were adopted on the basis of Regulation (EC) No 1234/2007 of the European Parliament and of the Council⁵.

¹ OJ L 347, 20.12.2013, p. 671.

² 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 (OJ L 157, 15.6.2011, p. 1).

³ Commission Implementing Regulation (EU) No 1333/2011 of 19 December 2011 laying down marketing standards for bananas, rules on the verification of compliance with those marketing standards and requirements for notifications in the banana sector (OJ L 336, 20.12.2011, p. 23).

⁴ Commission Regulation (EC) No 1666/1999 of 28 July 1999 laying down detailed rules for the application of Council Regulation (EC) No 2201/96 as regards the minimum marketing characteristics for certain varieties of dried grapes (OJ L 197, 29.7.1999, p. 32).

⁵ 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) (OJ L 299, 16.11.2007, p. 1).

Regulation (EC) No 1234/2007 has since been replaced by Regulation (EU) No 1308/2013, which contains empowerments based on the legal framework for empowerments introduced by the Lisbon Treaty.

- (3) In order to harmonise and simplify the rules on marketing standards, on checks on conformity and on notifications for the above referred sectors, to incorporate the amendments necessary in the light of experience and to align the rules to the empowerments of Regulation (EU) No 1308/2013, it is appropriate to merge them in a single set of rules contained in a Delegated Regulation and an Implementing Regulation and to repeal Regulation (EC) No 1666/1999 and Implementing Regulations (EU) No 543/2011 and (EU) No 1333/2011.
- (4) Article 75(1), points (b), (c) and (d) of Regulation (EU) No 1308/2013 authorises the Commission to provide for marketing standards for fruit and vegetables, processed fruit and vegetables and bananas, respectively. Pursuant to Article 76(1) of Regulation (EU) No 1308/2013, fruit and vegetables, which are intended to be sold fresh to the consumer, may only be marketed if they are of sound, fair and of marketable quality and if the country of origin is indicated. To provide for a uniform implementation of that provision, it is appropriate to set out details of and provide for a general marketing standard for all fresh fruit and vegetables.
- (5) Specific marketing standards should be maintained for the fruit and vegetables subject to the application of Article 76(1) of Regulation (EU) No 1308/2013, based on an assessment of their relevance, taking into account, in particular, products which continue to be most traded in value terms on the basis of the figures held in the Eurostat's reference database for detailed statistics on international trade in goods, Comext.
- (6) Processed fruit and vegetable products and ripened bananas are not covered by Article 76(1) of Regulation (EU) No 1308/2013 nor by a specific marketing standard. Nonetheless, the labelling of the origin is relevant for consumers and necessary for consumers in the context of the Commission communication of 20 May 2020 entitled 'A Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system'⁶ ('Farm to Fork Strategy'), that also aims at empowering consumers to make informed and sustainable food choices and should therefore be mandatory also for such products intended for direct consumption after simple operations like drying or ripening.
- (7) Given the wide range of varieties of bananas marketed in the Union and of marketing practices, minimum standards should be maintained for unripened green bananas. However, it is appropriate to align the marketing standard for bananas to the Codex Alimentarius and extend to more varieties to avoid unnecessary barriers to trade. In view of reducing food waste and food loss in the context of the Farm to Fork Strategy, notably by improving the flexibility for the portioning, it is appropriate to leave out the minimum of four fingers by hand or cluster set out in the Codex Alimentarius. It is appropriate, in view of the objectives pursued, to allow banana-producing Member States to apply national standards within their territory to their own production provided those rules are not in conflict with Union standards and do not impede the free circulation of bananas in the Union.

⁶ COM(2020) 381 final.

- (8) Account should be taken of the fact that, climatic factors make production conditions difficult in Madeira, the Azores, the Algarve, Canary Islands, Crete, Lakonia and Cyprus. As a result, certain bananas do not develop to the minimum length laid down in the international standard when produced in those geographical areas. In those cases, such bananas should be allowed to be marketed.
- (9) In order to avoid unnecessary barriers to trade, where specific marketing standards are to be laid down for individual products, those standards should be those set out in the standards adopted by the United Nations Economic Commission for Europe (UNECE). Where no specific marketing standard has been adopted at Union level, products should be considered as conforming to the general marketing standard where the holder is able to show that the products are in conformity with any applicable UNECE standard.
- (10) In order to take into account the Farm to Fork Strategy and consumers' interests, the marketing standards for all the sectors covered by this Regulation should maintain the high-quality requirements that make international consensus while encouraging alternative uses in order to avoid food loss and food waste when the standard is not complied with. This should be the case for all products that do not comply with the requirements of Class II of the UNECE marketing standards but are still edible. Therefore, exemptions from the application of marketing standards should be provided for in the case of certain products that are intended for processing, or that are sold by the producer directly to consumers.
- (11) Certain fruit and vegetable products may have characteristics that do not conform to the applicable marketing standards. 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 should be exempted from the Union marketing standards unless this exemption is likely to prevent or distort competition in a substantial part of the internal market, or to jeopardise free trade or the attainment of any of the objectives of Article 39 of the Treaty.
- (12) Several fruit and vegetables products may derogate from the marketing standards in view of reducing the administrative burden both for the traders and for the authorities carrying out the controls in accordance with Article 76(4) of Regulation (EU) 1308/2013. Nonetheless, the labelling of origin is necessary for the consumers and in line with the policy orientation of the Farm to Fork strategy to provide more information to allow consumers to make a better informed choice, the indication of the country of origin should be mandatory for such products.
- (13) Marketing standards relative to products for donations should be simplified in order to reduce the administrative burden for the traders without affecting the quality. Provided the product is clearly labelled to inform that it is for donation, other marking particulars should be optional. It should nonetheless conform to the general marketing standard regarding the quality in order to protect the beneficiary of the donation.
- (14) In order to ensure that checks may be properly and effectively carried out, invoices and accompanying documents, other than those for consumers, should contain certain basic information included in the marketing standards.
- (15) The information particulars required by marketing standards should be clearly displayed on the packaging and/or on the label. To avoid fraud and cases of

misleading consumers, the information particulars required by the marketing standards should be available to consumers before purchase, including in case of distance selling, where experience has shown the risks of fraud and avoidance of the consumer protection offered by the standards.

- (16) In order to avoid misleading the consumers regarding the class, the information particulars required at retail stage should not include terms such as ‘supreme’, ‘premium’ or similar wording which are not regulated for defining an actual quality of the product, notwithstanding the possibility to display any other information such as ‘transport by air’ or similar factual information which does not mislead the consumer.
- (17) In order to avoid misleading consumers regarding the origin of the products, the indication of the country of origin should be better visible than the indication of the country of the packer.
- (18) Packages containing mixes of different products or species of products covered by this Regulation are becoming more common on the market in response to certain consumers demand. Fair trading requires that products or species of products sold in the same package are of uniform quality. For products for which Union standards have not been adopted this can be ensured by recourse to general provisions. Labelling requirements should therefore be laid down for mixes of different products or species of products in the same package. They should be less strict than those laid down by the marketing standards as labelling of mixes is more burdensome and their application risks to obstacle the marketing of those products.
- (19) Imports of fruit and vegetables from third countries are to conform to the marketing standards or to standards equivalent to them. Therefore, conditions under which imported products are considered to have an equivalent level of conformity to the Union marketing standards should be laid down.
- (20) In order to give operators and the national administrations sufficient time to adapt to the changes introduced by this Regulation, this Regulation should apply as from 1 January 2025.
- (21) Given the substantive link between the empowerments in Regulation (EU) No 1308/2013 regarding the rules on marketing standards, on the minimum quality requirements for products of the fruit and vegetables sector and on the conformity of imported products to Union marketing standards, it is appropriate to lay down those rules in the same delegated act,

HAS ADOPTED THIS REGULATION:

CHAPTER I

Introductory provisions

Article 1

Subject matter and scope

1. This Regulation lays down rules supplementing Regulation (EU) No 1308/2013 as regards the marketing standards referred to in Article 75(1) of that Regulation, the minimum marketing requirements for products of the fruit and vegetables sector intended to be sold fresh as referred to in Article 76 of that Regulation, the

conformity of imported products to Union marketing standards as referred to in Article 89 of that Regulation.

2. This Regulation applies to the following sectors and products:
 - (a) the fruit and vegetables sector referred to in Article 1(2), point (i), of Regulation (EU) No 1308/2013;
 - (b) dried fruits of CN codes 0804 20 90, 0806 20 and ex 0813 listed in Part X of Annex I to that Regulation;
 - (c) the bananas of CN code 0803 90 10 listed in Part XI of Annex I to that Regulation.
3. For the purpose of this regulation, the country of origin of a product shall be determined in accordance with Article 60 of Regulation (EU) No 952/2013 of the European Parliament and of the Council⁷.

CHAPTER II

Marketing standards

Article 2

General marketing standard for fruits and vegetables referred to in Article 1(2), point (a)

1. The requirements of Article 76(1) of Regulation (EU) No 1308/2013 shall constitute the general marketing standard for the fruits and vegetables referred to in Article 1(2), point (a).

Fruit and vegetables referred to in Article 1(2), point (a) shall conform to that general marketing standard unless they are subject to a specific marketing standard.

The details of the general marketing standard are set out in Part A of Annex I to this Regulation.
2. Where the holder of fruit and vegetables referred to in paragraph 1 is able to show that the products are in conformity with any applicable standard adopted by the United Nations Economic Commission for Europe (UNECE), they shall be considered as conforming to the general marketing standard referred to in paragraph 1.
3. For the purposes of this Article, ‘holder’ means any natural or legal person who is in physical possession of the products concerned or offers them for sale at distance or by any digital means.

Article 3

Indication of the origin for certain processed fruit and vegetable products and ripened bananas

The following products shall carry an indication of the country of origin:

- (a) dried fruits of CN code ex 0813, as defined in Part X of Annex I to Regulation (EU) No 1308/2013;

⁷ Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1).

- (b) dried figs of CN code 0804 20 90;
- (c) dried grapes of CN code 0806 20;
- (d) ripened bananas of CN code 0803 90 10 and resulting of the ripening on the Union territory.

Article 4

Specific marketing standards for fruits and vegetables and for bananas

1. The following products or sector shall conform to the specific marketing standards set out in Part B of Annex I:
 - (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;
 - (k) bananas.
2. For the purposes of paragraph 1, point (k), the following shall apply:
 - (a) the specific marketing standard of the bananas sector is set out in Part B, Part 11 of Annex I for bananas of the varieties listed in the Appendix to that Annex, excluding bananas intended for processing. This marketing standard shall apply to bananas originating in third countries at the stage of release for free circulation, to bananas originating in the Union at the stage of first unloading in the Union, and to bananas delivered fresh to the consumer in the producing region at the stage of leaving the packing shed.
 - (b) the specific marketing standard referred to in point (a) shall not affect the application, at later stages of marketing, of national rules which:
 - (i) do not impede the free circulation of bananas originating in third countries or other regions of the Union and complying with the marketing standard referred to in the first subparagraph; and
 - (ii) are not incompatible with the marketing standard referred to in the first subparagraph.

Article 5

Exceptions and exemptions from the application of marketing standards

1. By way of derogation from Article 76(2) and (3) of Regulation (EU) No 1308/2013:

- (a) the following products shall not be required to conform to the marketing standards:
- (i) products that are clearly marked with the words ‘intended for processing’ or ‘for animal feed’ or any other equivalent wording and are:
 - intended for industrial processing, or
 - presented for retail sale to consumers for their personal use and intended for processing by them, or
 - intended for the preparation of the products referred to in subparagraph (b)(xvii) of this paragraph, or
 - intended for animal feed or other non-food use;
 - (ii) products sold by the producer directly to consumers for their personal use on their holding or, within a given production area as defined by the competent authority:
 - on a local market in a place reserved only to producers, or
 - by direct delivery.
 - (iii) products marketed as edible sprouts, following germination of seeds of plants classified as fruit and vegetables listed in Part IX of Annex I to Regulation (EU) No 1308/2013;
 - (iv) products of a given region which are sold by the retail trade of that region in case of well-established traditional local consumption or in exceptional and duly justified cases, subject to the conditions laid down in paragraph 4 of this Article;
- (b) the following products shall not be required to conform to the marketing standard except regarding the indication of the country of origin as referred to in Article 76(1) of Regulation (EU) No 1308/2013:
- (i) non-cultivated mushrooms of CN code ex 0709 51 to ex 0709 56 and 0709 59;
 - (ii) capers of CN code 0709 99 40;
 - (iii) bitter almonds of CN code 0802 11 10;
 - (iv) shelled almonds of CN code 0802 12;
 - (v) shelled hazelnuts of CN code 0802 22;
 - (vi) shelled walnuts of CN code 0802 32;
 - (vii) shelled pistachios of CN code 0802 52;
 - (viii) shelled macadamia of CN code 0802 62;
 - (ix) shelled pine nuts of CN code 0802 92;
 - (x) pecans of CN code 0802 99 10;
 - (xi) other nuts of CN code 0802 99 90;
 - (xii) dried plantains of CN code 0803 10 90;
 - (xiii) dried citrus of CN ex-code 0805;
 - (xiv) mixtures of tropical nuts of CN code 0813 50 31;

- (xv) mixtures of other nuts of CN code 0813 50 39;
 - (xvi) saffron of CN code 0910 20;
 - (xvii) products classified as fruit and vegetables and listed in Part IX of Annex I to Regulation (EU) No 1308/2013, having undergone any preparation beyond the extent of trimming as indicated in the applicable UNECE specific standard, or not intact within the meaning of the general marketing standard and making them ready to be directly consumed fresh or cooked.
- (c) in case of donation, other than the free distribution covered by agreements and decisions referred to in Article 222 of Regulation (EU) No 1308/2013 or supported within operational programs under Article 52 of Regulation (EU) 2021/2115 of the European Parliament and of the Council⁸, the products covered by this Regulation shall be required to conform to the general marketing standard except regarding marking provisions, provided they are clearly marked with the words 'intended for donation' or equivalent marking.
2. By way of derogation from Article 76(2) and (3) of Regulation (EU) No 1308/2013, the following products shall not be required to conform to the marketing standards within a given production area defined by the Member State concerned, including where that production area is a transnational area as defined by the Member States concerned:
- (a) products sold or delivered by the grower to preparation and packaging stations or storage facilities, or shipped from his holding to such stations;
 - (b) products shipped from storage facilities to preparation and packaging stations;
 - (c) products of EU origin that do not conform to the marketing standards set in this Regulation due to a situation of 'force majeure'⁹ which allows Member States to decide that the products may be marketed within their territory under the conditions they specify.
3. In order to apply the derogations provided for in paragraph 1, point (a), (i) and (ii), and point (c), and paragraph 2, traders shall provide evidence to the competent authority of the Member State that the products covered fulfil the conditions laid down in those paragraphs, in particular with regard to their intended use.
4. Traders may only apply the derogation provided for in paragraph 1, point (a)(iv), if Member States have previously adopted rules to exempt such products. Such rules shall not be likely to prevent or to distort competition in a substantial part of the internal market, jeopardise free trade or the attainment of any of the objectives of Article 39 of the Treaty. Member States shall notify the Commission forthwith of the rules which they have adopted in this respect. The Commission shall inform other Member States of any notification of such rules.

⁸ Regulation (EU) 2021/2115 of the European Parliament and of the Council of 2 December 2021 establishing rules on support for strategic plans to be drawn up by Member States under the common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulations (EU) No 1305/2013 and (EU) No 1307/2013 (OJ L 435, 6.12.2021, p. 1).

⁹ Commission notice C(88) 1696 concerning 'force majeure in European agricultural law' (OJ C 259, 6.10.1988, p. 10).

5. The notifications referred to in paragraph 2, point (c), and in paragraph 4 shall be made in accordance with Commission Delegated Regulation (EU) 2017/1183¹⁰.

Article 6

Information particulars along the supply chain

1. The information particulars required by the marking provisions laid down in Annex I 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 and shall not be misleading.
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(7) of Directive 2011/83/EU of the European Parliament and of the Council¹¹, the information particulars shall be available before the purchase is concluded, including the single country of origin of the product actually offered for sale.
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.
5. The possibility of labelling the regional or the local origin as referred to in Part B of Annex I is without prejudice to the protection granted to certain geographical indications pursuant to Regulation (EU) No 1151/2012 of the European Parliament and of the Council¹².

Article 7

Information particulars at the retail stage

1. At retail stage, the information particulars required by this Regulation 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, size and variety or commercial type in such a way as not to mislead the consumer.

Additional terms which suggest better/superior quality may not be included. In particular, the label may not include any descriptor of quality except the information specified in the marking requirement as set out in Annex I.

¹⁰ Commission Delegated Regulation (EU) 2017/1183 of 20 April 2017 on supplementing Regulations (EU) No 1307/2013 and (EU) No 1308/2013 of the European Parliament and of the Council with regard to the notifications to the Commission of information and documents (OJ L 171, 4.7.2017, p. 100).

¹¹ Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council (OJ L 304, 22.11.2011, p. 64).

¹² Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs (OJ L 343, 14.12.2012, p. 1).

When the country of the packer and/or the dispatcher is indicated or when the variety indicated evokes a location, the characters to indicate the country of origin shall be larger and more visible than those used for the country of the packer and/or the dispatcher and the variety if different.

2. For products which are prepacked within the meaning of Regulation (EU) No 1169/2011 of the European Parliament and of the Council¹³, in addition to all the information required by the marketing standards, the net weight shall be indicated in accordance with the rules set out in that Regulation.

Article 8
Mixes

1. The marketing of packages of a net weight of 10 kg or less containing mixes of different products or species of products covered by this Regulation shall be allowed, provided that:
 - (a) the products and species of products are of uniform quality and each one complies with the relevant specific marketing standard as applicable or, where no specific marketing standard exists for a particular product, the general marketing standard as applicable;
 - (b) the package is labelled in accordance with this Regulation and the applicable provisions of Regulation (EU) No 1169/2011; and
 - (c) the mix of different products is not such as to mislead the consumer.
2. The requirements of paragraph 1, point (a), shall not apply to products included in a mix which are not products of the fruit and vegetables, dried fruits or bananas sectors referred to in Article 1.
3. If the products in a mix of different products or species of products covered by this Regulation originate in more than one Member State or third country, the names of the countries of origin may be replaced with one of the following indications, as appropriate:
 - (a) 'EU';
 - (b) 'non-EU';
 - (c) 'EU and non-EU'.

¹³ Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004 (OJ L 304, 22.11.2011, p. 18).

CHAPTER III

Marketing standards related to imported products

Article 9

Conditions to consider imported products to have equivalent level of conformity

1. For the sector referred to in Article 1(2), point (a), at the request of a third country, the Commission may approve checks on conformity to marketing standards carried out by that third country prior to import into the Union.
2. The approval referred to in paragraph 1 may be granted to third countries where the Union marketing standards, or at least equivalent standards, are met for products exported to the Union in accordance with Article 8(2) of Commission Implementing Regulation (EU) 2023/xxxx [OP: please insert the number of C(2023) 5449]¹⁴.
3. The approval shall only apply to products originating in the third country concerned and may be limited to certain products.
4. In order to obtain the approval referred to in paragraph 1, the third country inspection bodies that will be in charge of checks on conformity to marketing standards, must:
 - (a) be official bodies or bodies officially recognised by a third country's competent authority;
 - (b) provide satisfactory guarantees and dispose of the necessary personnel, equipment and facilities to carry out checks in accordance with the methods referred to in Article 10(1) of Implementing Regulation (EU) 2023/xxxx [OP: please insert the number of C(2023) 5449] or equivalent methods.

CHAPTER IV

Final provisions

Article 10

Repeals

Regulation (EU) No 543/2011 and Implementing Regulations (EU) No 1333/2011 and (EC) No 1666/1999 are repealed.

References to the repealed Regulations shall be construed as references to this Regulation and to Implementing Regulation (EU) 2023/xxxx [OP: please insert the number of C(2023) 5449], as appropriate, and be read in accordance with the correlation table set out in Annex II to this Regulation.

¹⁴ Commission Implementing Regulation (EU) 2023/xxxx of [...] laying down rules concerning checks on conformity to marketing standards for the fruit and vegetables sector, certain processed fruit and vegetable products and the bananas sector (OJ L [...], [...], p. [...]) [OP: please insert the number, date and OJ references of C(2023) 5449].

Article 11
Entry into force and application

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

It shall apply from 1 January 2025, with the exception of Article 5(1), point (c), which shall apply the same day of entering into force of this Regulation.

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

Done at Brussels, 17.8.2023

For the Commission
The President
Ursula VON DER LEYEN