

Reform of the EU marketing standards Regulation for fruit & vegetables



Seventy-eighth session of the Working Party on Agricultural Quality Standards
(WP.7) 13 - 15 November 2023

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Alignment to the Treaty of Lisbon

Separating the regulation into an implementing regulation covering conformity checks and notifications and a delegated regulation covering the content of the marketing standards, in accordance with the Treaty of Lisbon and the empowerments in the regulation establishing the Common Market Organisation (CMO).

GREEN DEAL and FARM TO FORK STRATEGY

“The Commission will revise marketing standards to provide for the uptake and supply of sustainable agricultural, fisheries and aquaculture products and to reinforce the role of sustainability criteria taking into account the possible impact of these standards on food loss and waste.”



GREEN DEAL and FARM TO FORK

1. Information of the consumer

“To empower consumers to make informed, healthy and sustainable food choices, the Commission ... will consider to propose the extension of mandatory origin or provenance indications to certain products, while fully taking into account impacts on the single market.”

2. Food waste

“The Commission will revise marketing standards to provide for the uptake and supply of sustainable agricultural, fisheries and aquaculture products and to reinforce the role of sustainability criteria taking into account the possible impact of these standards on food loss and waste.”



Evaluation

A consultant was appointed to consult both public administrations and Stakeholders

Dates : conducted in 2019 - published in november 2019

<https://op.europa.eu/en/publication-detail/-/publication/309c4642-7ec0-11ea-aea8-01aa75ed71a1/language-en>

https://agriculture.ec.europa.eu/system/files/2020-10/swd2020-231-evaluation-exec-summary-marketing-standards_en_0.pdf

Open public consultation

A questionnaire was shared on line to allow stakeholders, public administration, industry or citizen to reply to pre defined questions or share additional comments.

Date : 08 June 2021 - 31 August 2021

https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12772-Agricultural-products-revision-of-EU-marketing-standards/public-consultation_en

Impact assessment

Based on the Farm to Fork strategy and the elements collected during the evaluation and the public consultation, all the Commission Services that have shared competence with DG Agri are consulted, mainly SANTE, ENV, GROW.

Date : 2022

Publication : 21 April 2023, together with the adoption of the Directive modifying Jam and Juice Directives

=> **Definition of the objectives of the reform**



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.

Article 75

1. Marketing standards may apply to one or more of the following sectors and products:

(...)

- (b) fruit and vegetables;
- (c) processed fruit and vegetable products;
- (d) bananas; (...)

Article 76 (applying to fruit and vegetables)

1. In addition, where relevant, to the applicable marketing standards referred to in Article 75, products of the fruit and vegetables sector which are intended to **be sold fresh to the consumer** may only be marketed if they are **sound, fair and of marketable quality and if the country of origin is indicated.**

(...)

What are we changing (1)



Repealing Regulation 1666/1999 that has become obsolete for 2 reasons:

1. There is no longer a specific aid scheme for dried grapes under the single CMO, which justified having a marketing standard to ensure the quality of the product benefiting from EU financial assistance.
2. There is a specific UNECE standard last revised in November 2016 (UNECE Standard DDP-11 concerning the marketing and commercial quality control of Dried Grapes) and the EU standard has never been amended to reflect these changes.

Merging Regulations 543/2011 and 1333/2011 to harmonise the rules on controls and notifications:

Merging the two regulations into a single one creates efficiencies for controlling authorities that will refer to one single legal basis and ensures that market operators in both sectors are treated in the same, coherent way. We also removed one of the mandatory notifications for Member States to the Commission (provisions of inspections and risk analysis systems), which was an administrative burden and had little value-added given that the Commission has no authority to ask Member States to amend their systems.

What are we changing (2)



Adding the missing species (included in the UNECE standard) to the EU specific marketing standard on citrus fruit (currently covering mandarins, oranges and lemons):

Formal transcription in the EU standard of a part of the UNECE citrus fruit standard that had been historically left out. From the point of view of both the operators and the controlling bodies, this creates clarity as there is one single standard for citrus fruit covering all species.

Adapting the regulation to other legislative changes:

Adapting the specific marketing standards on bananas and strawberries to the latest changes adopted in the CODEX standard for bananas and the UNECE specific standards for strawberries. This is a formality. We always transcribe into the EU specific marketing standard the changes made in the international specific standard.



Addressing the F2F objectives on origin labelling:

O Extending origin labelling to a number of products previously exempted: nuts (both in-shell and kernels, and their mixtures), dried fruits (formerly only dried grapes, now all dried fruits), mushrooms, capers, saffron, ripened bananas;

O Clarifying that fresh products having undergone 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 should bear the indication of origin (formerly called "ready to eat" or "kitchen ready" fruit and vegetables, also known in the industry as 4th gamma products);

O Requiring that the characters used for the indication of the origin shall be larger and more visible than that used for the country of the packer and/or the dispatcher if different.

What are we changing (4)



Addressing the F2F objectives on food waste (1):

○ Extending the existing exemptions for several types of products from compliance with even the basic general marketing standard (“sound, fair and of marketable quality and indication of country of origin”):

- Products presented for retail sale and intended for processing by the consumers are currently not required to conform to marketing standard provided Member States foresee an exemption. The exemption would no longer be at discretion of the concerned Member States;
- Products sold by producer within a given production area as defined by the competent authority by direct delivery (new exemption) or on a local market in a section reserved only to producers. The exemption on a local market in a section reserved only to producers would no longer be at discretion of concerned Member State;
- Products that do not conform to the marketing standards due to a situation of force majeure and for which Member State decides that they can nevertheless be marketed within their territory under the conditions to be specified by the Member State. This was triggered by the case (September 2021) of La Palma bananas covered in ashes but nevertheless safe to eat.



Addressing the F2F objectives on food waste (2):

O Exempting products intended for donation from complying with any of the 11 specific marketing standards (new exemption). For those 11 products, only the general marketing standard would be applicable. For all product intended for donation, the indication 'intended for donation' will be mandatory and all other marking will be facultative. (Products benefitting from EU financial assistance are not exempted, for sound budgetary management reasons)

O Removing requirement that bananas be presented in hands or clusters of at least four fingers (new exemption). This allows the sector to optimize the use of space of banana packages at origin and reduce waste.

Other:

O Simplifying by a notification by the Member State rather than a Commission decision in the specific case of 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 that are exempted from even the basic general marketing standard.



TBT notification

Started on 21-04-2023 (60 days)

-> The USA and China commented.

Publication on the better regulation Portal

Started on 21-04-2023 (4 weeks)

-> 52 Citizens and Stakeholders commented.



Publication in the Official Journal

3rd of November 2023

[Commission Delegated Regulation \(EU\) 2023/2429](#)

[Commission Implementing Regulation \(EU\) 2023/2430](#)

Entry into force

23rd of November 2023

Entry into application

Delayed to allow for a period of adaptation for the sectors and the public administrations

1st of January 2025

-> Except for donation (same date for entry into force and entry into application) in order not to lose one year of applicability as the measure does not require more time for adaptation.



European
Commission

Thank you

Agriculture
and Rural
Development