



EU-Regulations on Marketing Standards

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Why were standards created?

Private sector did create standards

- harmonised product specifications
- contracts without visual quality checks before the deal
- uniform quality of products produced by different farmers



Contract

The buyer specifies in the contract what he wishes to buy; this specification is done on the basis of the standards:

- Definition of product (species and varieties)
- Quality category
 - Class Extra highest price
 - Class I normal price
 - Class II lower price
- Size
- Colour
- Degree of ripeness
- Etc.



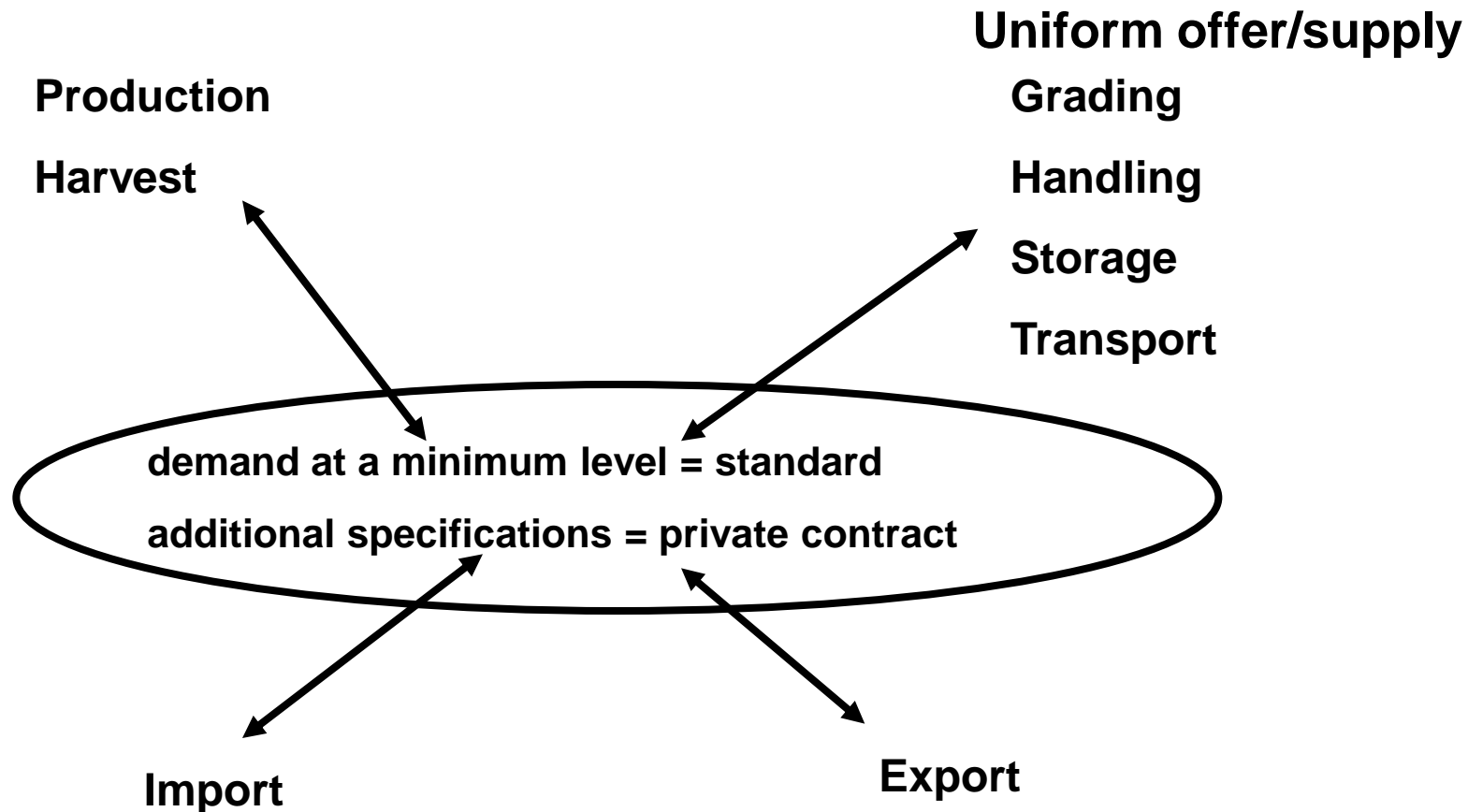
If there were no standards buyer and seller would have to elaborate their own specification for the relevant product.

Checks at entry point

When products arrive, the buyer has to check whether the products meet the specifications as to quality as set out in the contract.

If the product does not meet the standard or the specifications in the contract, the product is returned to the seller or re-graded – and this is done on the cost of the seller.





- standards enable groups of growers/exporters to offer homogenous products
- standards are the common and agreed basis of production for a group of producers



standards open markets

- **guarantee minimum quality**
- **guarantee market transparency**
- **guarantee consumer satisfaction**

inspection creates credit

The role of governments in standardisation

- **Providing a basis for the country's reputation by**
 - **guaranteeing a minimum quality**
 - **establishing national standards to provide a set of specifications to the industry (private sector)**
 - **deciding whether standards are mandatory or optional**

- **Providing a basis for transparency in the market by**
 - **harmonising the national standards with international standards**
 - **taking part in international standard setting**
 - **establishing a governmental inspection service or approving private inspection bodies**
 - **avoiding conflicts with the TBT agreement**

National standards

National standards

- may be used on a voluntary or mandatory basis
- may be based on UN/ECE standards in order to assure an international agreed quality level
 - at export stage
 - at import stage
 - at domestic market

BUT

- the WTO-TBT-agreement does not allow higher requirements for imported than for domestic products.



EU-Green Paper on Agricultural Product Quality

- **the incentive to increase the volume of production should not be used as an excuse to lower standards**
- **EU regulations reflect the democratic wish of EU consumers and citizens**
- **EU baseline measure:
safety, hygiene, product identity, environmental care etc.**
- **EU quality measures**
 - **marketing standards defining specific product qualities**
 - **consumer protection and information**
 - **fair competition and transparency of the market**



Implementation of Standards in the EU

Council level



Legal framework

Commission level



Implementation rules

- The legal text is published in the "**Official Journal of the EU**".
- Regulations including standards are updated when necessary.
- A **consolidated version** is published on the EU website.



Implementation of Standards in the EU

Council Regulation (EC) No 1234/2007 (Single CMO Regulation)

- **establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products such as meat, cereals, fruit, vegetables, olive oil etc.**
- **articles 113 and 113a provide the framework for marketing standards and inspection**



Article 113 of 1234/2007

- 1. Marketing standards may be developed for fruit and vegetables**
 - Taking into account the specificities of the products
 - The interests of the consumers
 - Taking into account the UNECE standards
- 2. The products for which marketing standards have been laid down may be marketed in the Community only in accordance with such standards.**
- 3. Member States shall check whether those products conform to those standards and shall apply penalties as appropriate**

Gives the Commission the right to decide, whether to have standards for fruits and veg, and for which products



Article 113a of 1234/2007

1. Fruit and vegetables may only be marketed if they are sound, fair and of marketable quality and if the country of origin is indicated.
2. The marketing standards shall apply at all marketing stages including import and export unless otherwise provided for by the Commission.
3. The holder of products of the fruit and vegetables and processed fruit and vegetables sector covered by marketing standards may not display such products or offer them for sale or deliver or market them in any manner within the Community other than in conformity with those standards and shall be responsible for ensuring such conformity.



Reg. (EU) No 543/2011

- Regulation on implementation of marketing standards
- Laying down
 - the marketing standards
 - the method of inspection
 - the implementation rules for fruit and vegetables
 - the rules for producer organisation
 - the specifications for import (e.g. licences, entry prices)
- Articles 3 to 18 deal with marketing standards and quality control



Article 3 of 543/2011

- **The general requirements in article 113 a 1 of the Council regulation are defined by the general marketing standard (as set out in an annex).**
- **Gives the holder the right to apply the relevant product specific UNECE standard instead of the general marketing standard.**
- **States which 10 products are covered by a product specific marketing standard.**
- **Defines that a "holder" is a physical or legal person.**

UNECE
standards are
legalised at
EU level

Article 3 of 543/2011



- These standards cover 75 % of the EU fruit and vegetables market



Article 3 of 543/2011

EU specific marketing standards (sms)

- I. Definition of Produce
- II. Provisions concerning quality
 - Minimum requirements
 - Maturity requirements
 - Classification (Classes Extra, I, II)
- III. Provisions concerning sizing
- IV. Provisions concerning tolerances
- V. Provisions concerning presentation
- VI. Provisions concerning marking

harmonised with UNECE

Article 3 & annex 1 part A of 543/2011



**General marketing
standard**

covers

all fruit and vegetables

minus

10 specific standards

minus

exemptions



Article 3 & annex 1 part A of 543/2011

EU General Marketing Standard (gms)

1. Minimum quality requirements
2. Minimum maturity requirements
3. Tolerances
4. Marking of origin of produce

no classification



Article 3 of 543/2011

UNECE standards

- I. Definition of Produce
- II. Provisions concerning quality
 - Minimum requirements
 - Maturity requirements
 - Classification (Classes Extra, I, II)
- III. Provisions concerning sizing
- IV. Provisions concerning tolerances
- V. Provisions concerning presentation
- VI. Provisions concerning marking

traders apply



Article 4 of 543/2011

Exemptions from sms and gms

- **Products for industrial processing and animal feed**
- **Farm sales to the final consumer**
- **Special products sold locally (after decision by the Commission)**
- **Trimmed, kitchen ready products**
- **Products sent from grower or storage to a packing facility**
- **Products labelled "products intended for processing" sold to individual consumers (after decision of the Member State)**
- **Specified products (for.ex. capers, saffron, pine nuts, sprout vegetables)**

Article 5 of 543/2011

Provisions on marking

- **All labelling shall be legible and shown obviously and indelibly on the package**
- **For goods in bulk the info shall be given in an accompanying document**
- **For distance contracts (i.e. Internet sales) the information shall be available before the purchase**
- **States which information is required on invoices and accompanying documents.**



Article 6 of 543/2011

Provisions on marking at retail stage

- **The retailer must provide the information to the consumer**
 - **obviously, legibly, and not misleading**
 - **Information on**
 - **Country of origin**
 - **and where appropriate**
 - **Class,**
 - **Variety or commercial type, or**
 - **That products are intended for processing**
- **Prepacked products shall have net weight (Directive 2000/13) or the number of units if not visible from the outside**



Article 7 of 543/2011

Mixtures of fruit and vegetables

- **Provisions for mixing species in the same package**
- **Packages not exceeding 5 kg net weight**
- **Marking in accordance with the rules specified**
- **Indication of country of origin**
 - **may be replaced by**
 - ”fruit and vegetables of EU-origin”**
 - ”fruit and vegetables of Non-EU-origin”**
 - ”fruit and vegetables of EU- and Non-EU-origin”**



Article 8 + 9 of 543/2011

- **Scope of the regulation: Inspection at all marketing stages**
- **Each Member State shall designate**
 - **One or several inspection bodies responsible for the control**
 - **One single authority responsible for coordination and contacts**
- **Each Member State shall communicate to the EU-Commission**
 - **Name and address of the co-ordinating authority**
 - **Name and address and competence of their inspection service(s)**
- **The EU-Commission publishes the list of co-ordinating authorities**

Article 10 of 543/2011

Database on Traders

- **Member States shall establish a database on traders in fruit and vegetables**

- **Definiton**
 - **What a trader is**
 - **Which traders should be included in the database**
 - **Which information on each trader shall be included**

- **The coordination authority is responsible for the existance and updating of the database.**

Article 11 of 543/2011

Conformity Checks

- **Checks shall be carried out based on a risk analysis**
- **Criteria for assessing the risk of non-conformities are specified**
- **Traders shall be classified in risk categories**
- **Adequate control frequencies shall be specified**

- **Member states establish their own rules on risk analysis and inform the EU-Commission accordingly**

Article 12 of 543/2011

Approved traders

- **Member States the may authorise traders to carry out their own controls**
 - **Sets out the conditions for giving this authorisation**
 - **Allows that it may be withdrawn**
 - **A specific label shall be used for these products**



Article 13 of 543/2011

Specific rules at import and export

- **Import and export may only take place if the goods**
 - **Have a conformity certificate, or**
 - **Customs have info that a certificate for the lot has been issued, or**
 - **The inspection body has informed customs that no control is needed with reference to a risk analysis**



Article 14 of 543/2011

Conformity certificate

- Specimen in Annex III
- Third countries may have their own control certificates
- Certificate may be in paper or electronic
 - Details on stamps and numbering

(in accordance with UNECE-key for certificates)



Article 15 + 16 of 543/2011

Approval of 3rd countries (non-EU countries)

- **The EU Commission may approve the export control of a third country exporting fruit and vegetables to the EU**
- **Conditions for this approval**
 - **Official inspection service**
 - **Export standards at least equivalent to EU-standards**
 - **Products of origin in this country**
- **Approval for products covered by specific marketing standards only**

Article 17 of 543/2011

Method of inspection

- **Method set out in annex V (method in accordance with method of OECD).**
- **Conformity found – a certificate is issued**
- **Non-conformity – a non-conformity report is issued and**
 - **the lot may not be moved without authorisation from inspection body**
 - **the lot may be sent to processing or animal feed**
 - **the lot may be brought into conformity**
 - **the re-graded lot may be marketed only after authorisation by inspection body**

Article 18 of 543/2011

Communications

- **Information shall be sent to the dispatching member state and the EU-Commission if non-conformities are found at wholesale level that could have been detected at dispatch**
- **Information shall be sent to the Commission and the country of origin when non-conformity at import is found**
- **Member States shall communicate their risk assessment system to the Commission**
- **Member States shall communicate results of their conformity checks to the Commission**



Annexes of 543/2011

- **Annex I part A: general marketing standard**
- **Annex I part B part 1-10: specific marketing standards**
- **Annex II: label for approved traders**
- **Annex III: Conformity certificate**
- **Annex IV: List of countries with approved export control**
- **Annex V: Control methods (copy of OECD-document)**

National provisions

Member states specify in national laws/regulations

- **The authority (authorities) competent for inspection at the different levels of marketing**
- **The co-ordinating authority**
- **The offences and punishment**
- **The fees for inspection (optional)**



Thank you!

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Für Landwirtschaft und Ernährung.