

Marketing standards for fruit and vegetables

Commission Regulation (EC) No 1580/2007

Amended by:

Commission Regulation (EC) No 1221/2008

- **Scope**

This legislation provides for a general marketing standard for all fresh fruits and vegetables and repeals specific marketing standards for 26 products. For 10 types of fruit and vegetables, specific marketing standards remain in place. The legislation also lays down provisions for fruit and vegetable mixes and official checks on conformity with the marketing standards. The regulation will apply as of July 1, 2009.

- **General Marketing Standard**

[Council Regulation \(EC\) No 1182/2007](#) provides that all fruit and vegetables should comply with the general marketing standard (sound, fair and marketable quality) and indicate the country of origin. The latter must be in a language understandable by the consumer of the country of destination.

The standard shall apply in all marketing stages including import and export, unless stated otherwise. The holder of these products may not display or market them in any manner than in conformity with the standard. The holder is responsible for ensuring this conformity.

Where needed the Commission is entitled to provide for specific marketing standards, provided to take into account the recommendations of the [UN-ECE standards](#).

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 they are in conformity with any applicable standards adopted by the United Nations Economic Commission for Europe (UNECE), the product shall be considered as conforming to the general marketing standard. Operators who wish to indicate classes on the produce should comply with the classification provisions of the UNECE standards.

The General marketing standard is set out in detail in Part A of Annex I of Regulation 1221/2008:

Minimum quality requirements:

The products must be:

- intact (tolerances are permitted)
- clean (practically free of any visible foreign matter)
- practically free from pests and from damage caused by pests affecting the flesh
- free of abnormal external moisture
- free of any foreign smell and/or taste
- in such a condition that they can withstand transport and handling and arrive in satisfactory condition at the place of destination

Minimum maturity requirements:

The products must be sufficiently developed and display satisfactory ripeness.

The development and state of maturity of the products must be such as to enable them to continue their ripening process and to reach a satisfactory degree of ripeness.

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Tolerance:

A tolerance of 10% by number of weight of product not satisfying the minimum requirements is permitted in each lot. However, the tolerance does not cover product affected by rotting or any other deterioration rendering it unfit for human consumption.

- **Specific Marketing Standards**

[Commission Regulation \(EC\) No 1221/2008](#) retains 10 product specific marketing standards (i.e. for apples, citrus fruit, kiwifruit, lettuces, peaches & nectarines, pears, strawberries, sweet peppers, table grapes and tomatoes). While drafting the general marketing standards legislation the Commission did not modify any of the existing standards. An interpretative guide of each of these standards is available in the [product specific section](#) of the Fresh Quality Guide. Subsequent modifications to the specific standards will be reflected in these separate guides.

Note that the specific marketing standard for green bananas ([Commission regulation \(EC\) Nr. 2257/94](#)) is maintained, but does not fall within the scope of this regulation.

- **Derogations**

Table of products not covered by the general marketing standard

CN-Code	Produce
ex 0701 90	potatoes (<i>starch potatoes, early-and ware potatoes</i>) ¹
0709 59	mushrooms other than cultivated mushrooms (<i>e. g. chanterelles, ceps, ...</i>) ²
0709 60 91 0709 60 95 0709 60 99	fruit of the genus Capsicum or Pimenta (<i>for the industrial manufacture of capsin or capsicum oleoresin dyes, essential oils or resinoids and chili peppers</i>) ¹
0709 90 40	capers ²
0709 90 60	sweet corn ¹
ex 0714	roots and tubers with high starch or inulin content (<i>species intended for human consumption such as manioc or cassava, arrowroot, salep, Jerusalem artichokes, sweet potatoes, starchy pith called "sago" from palm trees, taros or dasheens, yams, tannia or cocoyams, yam beans</i>) ¹
ex 0801	coconuts, Brazil nuts, cashew nuts ¹
0802 11 10	bitter almonds ²
0802 12	shelled almonds ²
0802 22	shelled hazelnuts ²
0802 32	shelled walnuts ²
0802 90 20	areca and cola nuts ¹
0802 90 50	pine nuts ²
0804 10 00	Dates ¹
ex 0910	ginger, turmeric, bay leaves ¹
0910 20	Saffron ²
1202 10 90	Peanuts ¹
1206 00 91	sunflower seeds, shelled; in grey and white striped shell ¹
1207 99 97 10	green soft-skinned pumpkin seeds ¹
ex 1211 90 85	vervain (<i>Verbena</i> spp.), rue (<i>Ruta graveolens</i>), hyssop (<i>Hyssopus officinalis</i>) and borage (<i>Borago officinalis</i>) ¹

¹ Produce not covered by Regulation (EC) No 1234/2007 annex I part IX.

² Produce exempted by article 3 of Regulation (EC) No 1580/2007.

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The following shall not be required to conform with the marketing standards:

- products intended for processing or animal feed or non-food use, provided they are clearly marked with the words “intended for processing” or “for animal feed” or any other equivalent wording;
- products transferred by the producer on his holding to consumers for their personal use;
- on a Commission Decision taken at the request of a Member State using the procedure referred to in Article 46 of Regulation (EC) No 2200/1996 for products of a given region which are sold by the retail trade of the region for well established traditional local consumption; and
- products having undergone a trimming or cutting making them “ready to eat” or “kitchen ready”.

The following shall not be required to conform with the marketing standards within a given production area:

- products sold or delivered by the grower to preparation and packaging stations or storage facilities, or shipped from his holding to such stations; and
- products shipped from storage facilities to preparation and packaging stations.

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. The following Member States have implemented this provision in national legislation:

- Cyprus
- Denmark
- Germany: apples and pears
- United Kingdom: all 10 products

As regards the specific marketing standards, fresh fruit and vegetables not in 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.

- ***Information particulars***

The information particulars required by this regulation 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.

For goods shipped in bulk and loaded directly onto a means of transport, the information particulars shall be given in a document accompanying the goods or shown on a notice placed in an obvious position inside the means of transport.

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

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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.

At retail stage, the information particulars required by this legislation 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.

For pre-packaged products as referred to in [Directive 2000/13/EC](#), 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.

- **Mixes**

The marketing of packages of a net weight of 5 kg or less containing mixes of different types of fruit and vegetables shall be allowed, provided that:

- 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,
- the package is appropriately labelled, in accordance with this legislation,
- the mix is not such as to mislead the consumer.

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:

- “mix of EC fruit and vegetables”,
- “mix of non-EC fruit and vegetables”,
- “mix of EC and non-EC fruit and vegetables”.

- **Quality conformity checks**

Within each Member State, an inspection body ensures that at each stage of marketing, fruit and vegetables conform to predetermined marketing standards. Operations are consistently monitored to ensure that EU standards, based on those of the United Nations Economic Commission for Europe (UNECE), are adhered to at different stages of marketing. To achieve this, a database of traders is essential. In some Member States traders must submit their name, address, information required to classify the business operations and any other information necessary for controls, to the database. A registration number is then allocated by a Member State. This requirement differs among Member States and specific requirements should be checked with your Member States body.

Conformity checks involve product sampling on the internal market. Specifically, Member States are required to set up a system of conformity checks for all products covered by the scheme at all stages of marketing, by all traders. As they have the greatest influence on the quality of produce entering the market, traders preparing and packing fruit are subject to more frequent checks than other operators. Likewise if a trader exhibits significant irregularities, more frequent checks will result. During these inspections, traders are required to provide all necessary information to the inspection services.

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Traders at the stage of dispatch who can guarantee uniform quality produce and high conformity to market standards, are eligible to use a European labelling system (exemplified in Annex II of the regulation). The system can only be used where traders have:

- fully trained inspection staff;
- suitable equipment for preparing and packing produce; and
- a commitment to the regulation of quality with records of all checks made.

The labelling system is valid for at least 1 year, but is renewable. However, if any of the above criteria are not adhered to, the right to use the specific labelling is withdrawn.

- Exporter responsibilities

As all exported produce have to adhere to the same marketing standards applied to domestically consumed products, exporters must provide all information for checks to be made. An export certificate is issued if the standards are adhered to. The possibility exists for member States to authorise self-checks by traders who have demonstrated that they:

1. offer sufficient guarantees of a consistent and high rate of conformity for the fruit and vegetables which they market;
2. have inspection staff who have received training approved by the Member State;
3. undertake to check the conformity of the goods they market; and
4. undertake to keep a register recording all the checks they have carried out.

- Importer responsibilities

All products imported must be checked for conformity with marketing standards before customs clearing. It is the responsibility of the importer to ensure all information is provided to the appropriate authorities on request. Each lot must be inspected and documented on an import certificate.

- Conformity checks in third countries:

Certain countries have a special status whereby the EC Commission approves conformity checks within these countries. This infers that produce adheres to EU marketing standards prior to its actual importation, monitored by approved inspection bodies within the third country.

The requirements of this special status are that:

- produce adheres to EU marketing standards at import;
- an official inspection body exists to perform checks; and
- accompanying certificates for each lot are provided (or a list of all lots on one certificate) at export.

Currently, the following third countries have this status: India; Israel; Kenya; Morocco; New Zealand (for apples, pears and kiwi fruit); Senegal; South Africa; Switzerland (all F&V except citrus fruit) and Turkey. Additional countries can apply for this status and assuming that they adhere to the above criteria could be accepted into the scheme.

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