

COMMISSION IMPLEMENTING REGULATION (EU) 2021/1926**of 5 November 2021****approving the checks on conformity to marketing standards for fruit and vegetables carried out by the United Kingdom and amending Implementing Regulation (EU) No 543/2011 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**

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 1234/2007 ⁽¹⁾, and in particular Article 91, point (f), thereof,

Whereas:

- (1) According to Article 15(1) of Commission Implementing Regulation (EU) No 543/2011 ⁽²⁾, the Commission may, at the request of a third country, approve checks on conformity to marketing standards carried out by that third country prior to import into the Union.
- (2) Following the withdrawal of the United Kingdom from the Union on 1 February 2020 and in view of the end of the transition period provided for in the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (Withdrawal Agreement) on 31 December 2020, the United Kingdom had sent the Commission a request to approve checks on conformity to specific marketing standards carried out by the United Kingdom prior to import into the Union. In particular, the United Kingdom had undertaken to comply with the requirements set for the marketing of fruit and vegetables after the end of the transition period and had indicated the official authority and the inspection bodies referred to in Article 15(2), second subparagraph, of Implementing Regulation (EU) No 543/2011.
- (3) On that basis, Commission Implementing Regulation (EU) 2020/2102 ⁽³⁾ approved checks on conformity to marketing standards for fruit and vegetables carried out by the United Kingdom, specified the official authority under the responsibility of which those checks are carried out, as well as the inspection bodies in charge of the proper checks in Great Britain and listed the United Kingdom in Annex IV to Implementing Regulation (EU) No 543/2011 with a footnote.
- (4) Although in accordance with Articles 6(3) and 7(1) of the Withdrawal Agreement and Articles 5(4) and 13(1) of the Protocol on Ireland/Northern Ireland to that Agreement in conjunction with Annex 2 to that Protocol, Implementing Regulation (EU) No 543/2011 applies to and in the United Kingdom in respect of Northern Ireland, Article 7(3), first subparagraph, of that Protocol provides that in respect of the recognition in one Member State of technical regulations, assessments, registrations, certificates, approvals and authorisations issued or carried out by the authorities of another Member State, or by a body established in another Member State, references to Member States in provisions of Union law made applicable by that Protocol are not to be read as including the United

⁽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) 2020/2102 of 15 December 2020 approving the checks on conformity to marketing standards for fruit and vegetables carried out by the United Kingdom and amending Implementing Regulation (EU) No 543/2011 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 425, 16.12.2020, p. 84).

Kingdom in respect of Northern Ireland as regards technical regulations, assessments, registrations, certificates, approvals and authorisations issued or carried out by the authorities of the United Kingdom or by bodies established in the United Kingdom. Consequently, checks on conformity to marketing standards carried out by the inspection body for Northern Ireland should be considered as carried out by a third country, without prejudice to Article 7(3), fourth subparagraph, of that Protocol.

- (5) Therefore, the Commission should also specify the inspection body in charge of the proper checks for Northern Ireland, as notified by the United Kingdom on 9 April 2020, and clarify the entry of the United Kingdom in Annex IV to Implementing Regulation (EU) No 543/2011.
- (6) Implementing Regulation (EU) No 543/2011 should therefore be amended accordingly.
- (7) In the interest of clarity and legal certainty, Implementing Regulation (EU) 2020/2102 should be repealed.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the Common Organisation of the Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

Approval of conformity checks

The checks on conformity to marketing standards for fruit and vegetables carried out by the United Kingdom prior to import into the Union are approved.

Article 2

Official authority and inspection bodies

1. The Secretary of State for the Department for Environment, Food & Rural Affairs is the official authority of the United Kingdom referred to in Article 15(2), second subparagraph, of Implementing Regulation (EU) No 543/2011 under the responsibility of which the checks referred to in Article 1 of this Regulation are carried out.
2. The Horticulture Marketing Inspectorate for England and Wales, the Scottish Government's Horticulture and Marketing Unit for Scotland and the Department of Agriculture, Environment and Rural Affairs for Northern Ireland are the inspection bodies of the United Kingdom in charge of the proper checks within the meaning of Article 15(2), second subparagraph, of Implementing Regulation (EU) No 543/2011.

Article 3

Amendment of Implementing Regulation (EU) No 543/2011

Annex IV to Implementing Regulation (EU) No 543/2011 is replaced by the text in the Annex to this Regulation.

Article 4

Repeal

Implementing Regulation (EU) 2020/2102 is repealed.

*Article 5***Entry into force**

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

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

Done at Brussels, 5 November 2021.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

‘ANNEX IV

Third countries where the conformity checks have been approved under Article 15 and the products concerned

Country	Products
Switzerland	Fresh fruit and vegetables
Morocco	Fresh fruit and vegetables
South Africa	Fresh fruit and vegetables
Israel (*)	Fresh fruit and vegetables
India	Fresh fruit and vegetables
New Zealand	Apples, pears and kiwi fruit
Senegal	Fresh fruit and vegetables
Kenya	Fresh fruit and vegetables
Turkey	Fresh fruit and vegetables
United Kingdom: — Great Britain — Northern Ireland (**)	Fresh fruit and vegetables

(*) The Commission's approval under Article 15 is given to fruit and vegetables originating within the State of Israel, excluding the territories under Israeli administration since June 1967, namely the Golan Heights, the Gaza Strip, East Jerusalem and the rest of the West Bank.

(**) In accordance with Articles 6(3) and 7(1) of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community and Articles 5(4) and 13(1) of the Protocol on Ireland/Northern Ireland to that Agreement in conjunction with Annex 2 to that Protocol, for the purposes of this Regulation references to Member States include the United Kingdom in respect of Northern Ireland. However, in accordance with Article 7(3) of that Protocol, in respect of the recognition in one Member State of technical regulations, assessments, registrations, certificates, approvals and authorisations issued or carried out by the authorities of another Member State, or by a body established in another Member State, references to Member States in provisions of Union law made applicable by that Protocol are not to be read as including the United Kingdom in respect of Northern Ireland as regards technical regulations, assessments, registrations, certificates, approvals and authorisations issued or carried out by the authorities of the United Kingdom or by bodies established in the United Kingdom.'