

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 (codification)

CHAPTER 1

MARKETING STANDARDS

Article 1

The marketing standards applicable to bananas falling within CN code 0803 00, excluding plantains, fig bananas and bananas intended for processing, are laid down in Annex I.

Those marketing standards 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 landing at a Union port, and to bananas delivered fresh to the consumer in the producing region at the stage of leaving the packing shed.

Article 2

The marketing standards referred to in Article 1 shall not affect the application, at later stages of marketing, of national rules which:

- (a) do not impede the free circulation of bananas originating in third countries or other regions of the Union and complying with the marketing standards referred to in Article 1; and
- (b) are not incompatible with the marketing standards referred to in Article 1.

CHAPTER 2

VERIFICATION OF COMPLIANCE WITH MARKETING STANDARDS

Article 3

Member States shall carry out checks in accordance with this Chapter to verify that bananas falling within CN code 0803 00 excluding plantains, fig bananas and bananas intended for processing conform with the marketing standards referred to in Article 1.

Article 4

Bananas produced in the Union shall be subject to a check on their conformity with the marketing standards referred to in Article 1 before loading onto a means of transport with a view to be marketed fresh. Such checks may be carried out at the packing plant.

Bananas which are marketed outside their region of production shall be subject to spot checks when they are first unloaded elsewhere in the Union.

The checks referred to in the first and second paragraphs shall be carried out subject to Article 9.

Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 1333/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

Article 5

Before release for free circulation in the Union, bananas imported from third countries shall be subject to checks on their conformity with the marketing standards referred to in Article 1 in the Member State of first unloading in the Union, subject to Article 9.

Article 6

1 The conformity checks shall be carried out in accordance with Article 17 of Implementing Regulation (EU) No 543/2011.

2 For products which, for technical reasons, cannot be checked for conformity upon first unloading in the Union, checks shall be carried out subsequently, at the latest on arrival at the ripening depot and in any case, as regards products imported from third countries, before release for free circulation.

3 On completion of the conformity check, a certificate drawn up in accordance with Annex II shall be issued for products whose compliance with the standard has been ascertained.

The inspection certificate issued for bananas originating in third countries shall be presented to the customs authorities for release of those products for free circulation in the Union.

4 In the event of non-compliance, point 2.7 of Annex V to Implementing Regulation (EU) No 543/2011 shall apply.

5 Where the competent body has not inspected certain products, it shall place its official stamp on the notification provided for in Article 7 or, failing that, in the case of imported products it shall duly inform the customs authorities by any other appropriate means.

6 Traders shall provide all the facilities required by the competent body for carrying out verifications pursuant to this Chapter.

Article 7

The traders concerned or their representatives, who do not qualify for the exemption provided for in Article 9, shall provide the competent body in good time with all the information necessary for identification of the lots and detailed information on the place and date of packing and shipping for bananas harvested in the Union, the planned place and date of unloading in the Union for bananas from third countries or from Union regions of production and deliveries to ripening depots for bananas which cannot be checked when they are first unloaded in the Union.

Article 8

1 Conformity checks shall be carried out by the departments or bodies designated by the competent national authorities. Such departments or bodies must present suitable guarantees for carrying out such checks, in particular as regards equipment, training and experience.

2 The competent national authorities may delegate responsibility for carrying out conformity checks to private bodies approved for that purpose which:

- a have inspectors who have followed a training course recognised by the competent national authorities;
- b have the equipment and facilities necessary for carrying out the verifications and analyses required for the checks; and
- c have adequate facilities for communicating information.

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3 The competent national authorities shall periodically check the execution and efficiency of conformity checks. They shall withdraw approval where they find anomalies or irregularities which could affect the correct execution of conformity checks or where the requirements are no longer met.

Article 9

1 Traders marketing bananas harvested in the Union or bananas imported from third countries shall not be subject to the checks on conformity with marketing standards at the stages referred to in Articles 4 and 5 where they:

- a have staff experienced in marketing standards and handling and inspection facilities;
- b keep records of the operations they carry out; and
- c present guarantees that the quality of bananas they market conforms with the marketing standards referred to in Article 1.

Traders exempted from checks shall obtain a certificate of exemption in accordance with the specimen shown in Annex III.

2 Exemption from checks shall be granted, at the request of the trader concerned, by the inspection departments or bodies appointed by the competent national authorities of either the Member State of production, for bananas marketed in the Union production region, or the Member State of unloading, for Union bananas marketed elsewhere in the Union and bananas imported from third countries. Exemption from checks shall be granted for a maximum period of three years and shall be renewable. Such exemption shall apply to the whole of the Union market for products unloaded in the Member State which granted the exemption.

Those departments or bodies shall withdraw the exemption where they detect anomalies or irregularities which could affect the conformity of bananas with the marketing standards referred to in Article 1 or where the conditions set out in paragraph 1 are no longer met. Withdrawal shall be either temporary or permanent, according to the gravity of the deficiencies detected.

Member States shall establish a register of banana traders exempted from checks, allocate them a registration number and take appropriate steps to disseminate such information.

3 The competent departments or bodies of the Member States shall periodically verify the quality of bananas marketed by the traders referred to in paragraph 1 and compliance with the conditions set out therein. Exempted traders shall also provide all the facilities required for carrying out such verifications.

[^{F1}]

Textual Amendments

- F1** Deleted by Commission Implementing Regulation (EU) No 565/2013 of 18 June 2013 amending Regulations (EC) No 1731/2006, (EC) No 273/2008, (EC) No 566/2008, (EC) No 867/2008, (EC) No 606/2009, and Implementing Regulations (EU) No 543/2011 and (EU) No 1333/2011 as regards the notification obligations within the common organisation of agricultural markets and repealing Regulation (EC) No 491/2007.

Article 10

This Regulation shall apply without prejudice to any spot checks carried out subsequently up to the ripening depot stage.

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CHAPTER 3

NOTIFICATIONS

^{F2}Article 11

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Textual Amendments

- F2** Deleted by [Commission Implementing Regulation \(EU\) 2017/1185 of 20 April 2017 laying down rules for the application of Regulations \(EU\) No 1307/2013 and \(EU\) No 1308/2013 of the European Parliament and of the Council as regards notifications to the Commission of information and documents and amending and repealing several Commission Regulations \(Text with EEA relevance\).](#)

Article 12

Regulations (EC) No 2257/94, (EC) No 2898/95 and (EC) No 239/2007 are repealed.

References to the repealed Regulations shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex VI.

Article 13

This Regulation shall enter into force on the twentieth 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.

Changes to legislation:

There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 1333/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to :

- Ch. 3 heading substituted by [S.I. 2019/822 reg. 2\(15\)](#)
- Annex 1 point 3 words omitted by [S.I. 2019/822 reg. 2\(17\)\(a\)\(i\)](#)
- Annex 1 point 5(C) words omitted by [S.I. 2019/822 reg. 2\(17\)\(b\)](#)
- Annex 1 point 6(C) words omitted by [S.I. 2019/822 reg. 2\(17\)\(c\)](#)
- Annex 1 point 3 words substituted by [S.I. 2019/822 reg. 2\(17\)\(a\)\(ii\)](#) (This amendment not applied to legislation.gov.uk. Reg. 2(17)(a)(ii) substituted immediately before IP completion day by [S.I. 2020/1453, regs. 1\(2\)\(b\), 10\(2\)\(h\)](#))
- Annex 1 point 3 words substituted by [S.I. 2019/822, reg. 2\(17\)\(a\)\(ii\)](#) (as substituted) by [S.I. 2020/1453 reg. 10\(2\)\(h\)](#)
- Annex 2 word substituted by [S.I. 2019/822 reg. 2\(18\)\(b\)](#)
- Annex 2 words substituted by [S.I. 2019/822 reg. 2\(18\)\(a\)](#)
- Annex 4 heading words substituted by [S.I. 2019/822 reg. 2\(19\)](#) (This amendment not applied to legislation.gov.uk. Reg. 2(19) substituted immediately before IP completion day by [S.I. 2020/1453, regs. 1\(2\)\(b\), 10\(2\)\(i\)](#))
- Annex 4 heading words substituted by [S.I. 2019/822, reg. 2\(19\)](#) (as substituted) by [S.I. 2020/1453 reg. 10\(2\)\(i\)](#)
- Art. 1 words substituted by [S.I. 2019/822 reg. 2\(2\)](#)
- Art. 1 words substituted in earlier amending provision [S.I. 2019/822, reg. 2\(2\)](#) by [S.I. 2020/1453 reg. 10\(2\)\(a\)](#)
- Art. 3 words substituted by [S.I. 2019/822 reg. 2\(5\)](#)
- Recital 3 Sentence 2 replacement by [EUR 2017/1229 Regulation](#)
- Art. 4 omitted by [S.I. 2019/822 reg. 2\(6\)](#)
- Art. 5 words omitted by [S.I. 2019/822 reg. 2\(7\)\(b\)](#)
- Art. 5 words substituted by [S.I. 2019/822 reg. 2\(7\)\(a\)](#) (This amendment not applied to legislation.gov.uk. Reg. 2(7)(a) substituted immediately before IP completion day by [S.I. 2020/1453, regs. 1\(2\)\(b\), 10\(2\)\(c\)](#))
- Art. 5 words substituted by [S.I. 2019/822, reg. 2\(7\)\(a\)](#) (as substituted) by [S.I. 2020/1453 reg. 10\(2\)\(c\)](#)
- Art. 6(2) words omitted by [S.I. 2019/822 reg. 2\(8\)\(b\)](#)
- Art. 6(2) words substituted by [S.I. 2019/822 reg. 2\(8\)\(a\)](#) (This amendment not applied to legislation.gov.uk. Reg. 2(8)(a) substituted immediately before IP completion day by [S.I. 2020/1453, regs. 1\(2\)\(b\), 10\(2\)\(d\)](#))
- Art. 6(2) words substituted by [S.I. 2019/822, reg. 2\(8\)\(a\)](#) (as substituted) by [S.I. 2020/1453 reg. 10\(2\)\(d\)](#)
- Art. 6(3) words substituted by [S.I. 2019/822 reg. 2\(9\)](#) (This amendment not applied to legislation.gov.uk. Reg. 2(9) substituted immediately before IP completion day by [S.I. 2020/1453, regs. 1\(2\)\(b\), 10\(2\)\(e\)](#))
- Art. 6(3) words substituted by [S.I. 2019/822, reg. 2\(9\)](#) (as substituted) by [S.I. 2020/1453 reg. 10\(2\)\(e\)](#)
- Art. 7 words omitted by [S.I. 2019/822 reg. 2\(10\)\(a\)](#)
- Art. 7 words omitted by [S.I. 2019/822 reg. 2\(10\)\(c\)](#)
- Art. 7 words substituted by [S.I. 2019/822 reg. 2\(10\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Reg. 2(10)(b) substituted immediately before IP completion day by [S.I. 2020/1453, regs. 1\(2\)\(b\), 10\(2\)\(f\)\(i\)](#))
- Art. 7 words substituted by [S.I. 2019/822 reg. 2\(10\)\(d\)](#) (This amendment not applied to legislation.gov.uk. Reg. 2(10)(d) substituted immediately before IP completion day by [S.I. 2020/1453, regs. 1\(2\)\(b\), 10\(2\)\(f\)\(ii\)](#))
- Art. 7 words substituted by [S.I. 2019/822, reg. 2\(10\)\(b\)](#) (as substituted) by [S.I. 2020/1453 reg. 10\(2\)\(f\)\(i\)](#)

- Art. 7 words substituted by S.I. 2019/822, reg. 2(10)(d) (as substituted) by S.I. 2020/1453 reg. 10(2)(f)(ii)
- Art. 8 word omitted by S.I. 2019/822 reg. 2(11)
- Art. 9(1) words omitted by S.I. 2019/822 reg. 2(12)
- Art. 9(2) word substituted by S.I. 2019/822 reg. 2(13)(a)(i)
- Art. 9(2) words substituted by S.I. 2019/822 reg. 2(13)(a)(ii) (This amendment not applied to legislation.gov.uk. Reg. 2(13)(a)(ii) substituted immediately before IP completion day by S.I. 2020/1453, regs. 1(2)(b), 10(2)(g))
- Art. 9(2) words substituted by S.I. 2019/822 reg. 2(13)(b)
- Art. 9(2) words substituted by S.I. 2019/822, reg. 2(13)(a)(ii) (as substituted) by S.I. 2020/1453 reg. 10(2)(g)
- Art. 9(3) words omitted by S.I. 2019/822 reg. 2(14)

Changes and effects yet to be applied to the whole legislation item and associated provisions

- Signature words omitted by S.I. 2019/822 reg. 2(16)
- Art. 2(a) words omitted by S.I. 2019/822 reg. 2(3)
- Art. 2a inserted by S.I. 2019/822 reg. 2(4)
- Art. 2a(2)(d) omitted in earlier amending provision S.I. 2019/822, reg. 2(4) by S.I. 2020/1453 reg. 10(2)(b)
- Art. 2a(3)(b) omitted in earlier amending provision S.I. 2019/822, reg. 2(4) by S.I. 2020/1453 reg. 10(2)(b)