

ANNEX VI

METHODS OF INSPECTION MENTIONED IN ARTICLE 20(1)

Remark: the following methods of inspection are based on the provisions of the guide for the implementation of quality control of fresh fruit and vegetables adopted by the UN/ECE (United Nations Economic Commission for Europe) Working Party for standardisation of perishable goods and improvement of quality.

1. DEFINITIONS

(a) Conformity check

Inspection carried out by an inspector in accordance with this Regulation to check that fruit and vegetables conform to the marketing standards laid down pursuant to Article 2 of Regulation (EC) No 1182/2007.

This inspection includes:

- where appropriate, an identity and documentary inspection: an inspection of the documents or certificates accompanying the lot and/or the registers referred to in the third indent of the second subparagraph of Article 10(3) and in Article 11(2)(d) of this Regulation, and an inspection of the goods and the particulars in these documents, to check that they match,
- a physical inspection, by means of sampling, of the goods in the lot to ensure that it satisfies all the conditions laid down by the marketing standard, including the provisions on the presentation and marking of packages and packaging.

(b) Inspector

Person authorised by the competent inspection body who has an appropriate and regular training enabling them to undertake conformity inspection.

(c) Consignment

Quantity of produce to be sold by a given trader found at the time of control and defined by a document. The consignment may consist of one or several types of produce: it may contain one or several lots of fresh fruit and vegetables.

(d) Lot

Quantity of produce which, at the time of control at one place, has similar characteristics with regard to:

- packer and/or dispatcher,
- country of origin,
- nature of produce,
- class of produce,
- size (if the produce is graded according to size),
- variety or commercial type (according to the relevant provisions of the standard),
- type of packaging and presentation.

However, if during the inspection of consignments, it is not possible to distinguish between different lots and/or presentation of individual lots is not possible, all lots of a specific consignment may be treated as one lot if they are similar in regard to type of produce, dispatcher, country of origin, class and variety or commercial type, if this is provided for in the standard.

(e) Sampling

Collective sample taken temporarily from a lot during conformity check inspection.

(f) Primary sample

Package taken from the lot, or in the case of bulk produce, a quantity taken from a point in the lot.

(g) Bulk sample

Several representative primary samples taken from the lot whose quantity is sufficient to allow the assessment of the lot with regard to all criteria.

(h) Secondary sample

In the case of nuts, a secondary sample shall be a representative quantity of product taken from each primary sample in the bulk sample, weighing between 300 g and 1 kg. If the primary sample is made up of packaged foods, the secondary sample shall be one package.

(i) Composite sample

In the case of nuts a composite sample shall be a mix, weighing at least 3 kg, of all the secondary samples in a bulk sample. Nuts in the composite sample must be evenly mixed.

(j) Reduced samples

Representative quantity of produce taken from the bulk sample whose size is sufficient to allow the assessment of certain individual criteria.

In the case of nuts, the reduced sample shall include at least 100 nuts taken from the composite sample. Several reduced samples may be taken from a bulk sample.

(k) Packages

Individually packaged part of a lot, including contents. The packaging is conceived so as to facilitate handling and transport of a number of sales units or of products loose or arranged, in order to prevent damage by physical handling and transport. Road, rail, ship and air containers are not considered as packages. In some cases, the package constitutes a sales package.

(l) Sales packages

Individually packaged part of a lot, including contents. The packaging of sales packages is conceived so as to constitute a sales unit to the final user or consumer at the point of purchase. Among sales packages, pre-packages are such as the packaging encloses the foodstuff completely or only partially, but in such a way that the contents cannot be altered without opening or changing the packaging.

2. IMPLEMENTATION OF CONFORMITY CHECK

(a) General remark

A physical check shall be made by assessing bulk samples taken at random from different points in the lot to be controlled. It is based on the principle of presumption that the lot conforms to the bulk sample.

(b) Identification of lots and/or getting a general impression of the consignment

The identification of lots shall be carried out on the basis of their marking or other criteria, such as the indications laid down under Council Directive 89/396/EEC⁽¹⁾. In the case of consignments which are made up of several lots it is necessary for the inspector to get a general impression of the consignment with the aid of accompanying documents or declarations concerning the

consignments. He then determines how far the lots presented comply with the information in these documents.

If the produce is to be or has been loaded onto a means of transport, the registration number of the latter shall be used for identification of the consignment.

(c) Presentation of produce

The inspector decides which packages are to be controlled. The presentation shall be made by the operator or his representative. The procedure should include the presentation of the bulk sample.

If reduced or secondary samples are required, these are identified by the inspector himself from the bulk sample.

(d) Physical check

— Assessment of packaging and presentation on the basis of primary samples:

The packaging, including the material used within the package, shall be tested for suitability and cleanness according to the provisions of the marketing standards. If only certain types of packaging are permitted, the inspector checks whether these are being used.

— Verification of marking on the basis of primary samples: first, it is ascertained whether the produce is marked according to the marketing standards. During control a check is made on the accuracy of marking and/or the extent of amendment required.

Fruit and vegetables individually wrapped in plastic are not considered as pre-packed foodstuff in the meaning of European Parliament and Council Directive 2000/13/EC and do not necessarily need to be marked in accordance with the marketing standards. In such cases, the plastic wrapping can be considered a simple protection for fragile products.

— Verification of conformity of the produce using bulk sampling or composite and/or reduced sampling: The inspector shall determine the size of the bulk sample in such way as to be able to assess the lots. He shall at random select the packages to be inspected or in the case of bulk produce the points of the lot from which individual samples shall be taken.

Damaged packages shall not be used as part of the bulk sample. They should be set-aside and may, if necessary, be subject to a separate examination and report. The bulk sample should comprise the following quantities whenever a consignment is declared unsatisfactory:

PACKED PRODUCE

| Number of packages in the lot | Number of packages to be taken (primary samples) |
|-------------------------------|--|
| Up to 100 | 5 |
| From 101 to 300 | 7 |
| From 301 to 500 | 9 |
| From 501 to 1 000 | 10 |
| More than 1 000 | 15 (minimum) |

BULK PRODUCE

| Quantity of lot in kg or number of bundles in the lot | Quantity of primary samples in kg or number of bundles |
|--|---|
| Up to 200 | 10 |
| From 201 to 500 | 20 |
| From 501 to 1 000 | 30 |
| From 1 001 to 5 000 | 60 |
| More than 5 000 | 100 (minimum) |

In the case of bulky fruit and vegetables (over 2 kg per unit), the primary samples should be made up of at least five units. In the case of lots comprising fewer than 5 packages or weighing less than 10 kg, the check shall cover the entire lot.

If the inspector discovers, after an inspection, that a decision cannot be reached, he may carry out another inspection and express the overall result as an average of the two checks.

Certain criteria on the degree of development and/or ripeness or on the presence or absence of internal defects may be checked on the basis of reduced samples; this applies in particular to control which destroys the trade value of the produce. The size of the reduced sample shall be restricted to the minimum quantity absolutely necessary for the assessment of the lot. If, however, defects are ascertained or suspected the size of the reduced sample shall not exceed 10 per cent of the size of the bulk sample initially taken for the inspection.

(e) Control of produce

The produce has to be removed entirely from its packaging for the control; the inspector may only dispense with this in the case of nuts or if the type of packaging and form of presentation allow an inspection without unpacking the produce. The inspection of uniformity, minimum requirements, quality classes and size shall be carried out on the basis of the bulk sample, or on the basis of the composite sample in the case of nuts. When defects are detected, the inspector shall ascertain the respective percentage of the produce not in conformity with the standard by number or weight.

The criteria on the degree of development and/or ripeness can be checked using the instruments and methods laid down to this end in the marketing standards or in accordance with accepted practice.

(f) Report of control results

Documents mentioned in Article 20 are issued where appropriate.

If defects are found, the trader or his representative must be informed in writing about the reasons for complaint. If the compliance of produce with the standard is possible by a change in marking, the trader or his representative must be informed about it.

If defects are found in a product, the percentage found not to be in conformity with the standard must be indicated.

(g) Decline in value by conformity check

After the control, the bulk sample is put at the disposal of the operator or his representative.

The inspection body is not bound to hand back the elements of the bulk sample destroyed during the control.

Status: This is the original version (as it was originally adopted).

(1) OJ L 186, 30.6.1989, p. 21.