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Item 3 (d) of the provisional agenda

USE OF TRADE MARKS IN UNECE STANDARDS

Note by the Secretariat

In this document the secretariat proposes amendments to the standard layout for fresh fruit and vegetables.

The main changes concern the introduction of a new sub-section on maturity requirements and an annex for lists of varieties. Additionally some sections have been renamed and renumbered. If a decision is taken concerning a different numbering system, this change would have to be included as well.

A footnote which was originally included in the Geneva Protocol has been included in the layout instead of a reference.

A convention on the marking of optional text and comments that is already used in the standard layout for dry and dried fruit was included.

In the text changes to the existing standard layout have been marked with strikeouts for deleted text and underlining for new or changed text.

REVISED STANDARD LAYOUT FOR UNECE STANDARDS
concerning the marketing and commercial quality
control of Fresh Fruit and Vegetables moving in international trade
between and to UN/ECE member countries

Revision 2002

NOTE by the secretariat: *This revision of the standard layout was adopted by the Working Party on Standardization of Perishable Produce and Quality development at its fifty-eighth session in October 2002. It will provide the frame for current and future work on UN/ECE standards for Fresh Fruit and Vegetables.*

In the text the following conventions are used:

{ text }: For text which explains the use of the standard layout. This text does not appear in the standards.
< text >: For optional texts or text for which several alternatives exist depending on the products.

I. DEFINITION OF PRODUCE, SCOPE AND PURPOSE OF THE STANDARD

This standard applies to of varieties (cultivars) grown from {Latin Botanical reference in italics followed where necessary by the author's name} to be supplied fresh to the consumer, for industrial processing being excluded.

{Additional provisions concerning the definition of the produce may be included under this heading}

The purpose of the standard is to define the quality requirements of at the export control stage ¹, after preparation and packaging.

II. MINIMUM REQUIREMENTS FOR QUALITY AND MATURITY

~~The purpose of the standard is to define the quality requirements of at the export control stage, after preparation and packaging.~~

A. Minimum quality requirements

In all classes, subject to the special provisions for each class and the tolerances allowed, the must be:

¹ {The delegations of Germany, the United Kingdom and Austria maintained their opinion that the standards should apply at all stages of marketing, but agreed that the corresponding footnote should no longer appear in the various standards covered by this Standard Layout.}

- intact {depending on the nature of produce, a deviation from the provision is allowed}
- sound; produce affected by rotting or deterioration such as to make it unfit for consumption is excluded
- clean, practically free of any visible foreign matter
{with regard to traces of soil, a deviation from this provision is allowed depending on the nature of produce}
- practically free from pests
- practically free from damage caused by pests
- free of abnormal external moisture
- free of any foreign smell and/or taste.

{Additional provisions may be made for specific standards depending on the nature of produce}

The produce must be sufficiently developed, and display satisfactory ripeness, depending on the nature of produce.

The development and condition of the must be such as to enable them:

- to withstand transport and handling, and
- to arrive in satisfactory condition at the place of destination.

B. Minimum maturity requirements

{to be elaborated depending on the produce}

III. Quality Classification

..... are classified in two or three classes defined below ².

(i) ***"Extra" Class***

..... in this class must be of superior quality. They must be characteristic of the variety and/or commercial type.

They must be:

.....
.....
.....

{Provisions depending on the nature of produce}

They must be free from defects with the exception of very slight superficial defects provided these do not affect the general appearance of the produce, the quality, the keeping quality and presentation in the package.

(ii) ***Class I***

..... in this class must be of good quality. They must be characteristic of the variety and/or commercial type.

² For special standards where it does not appear necessary to establish a classification, only the minimum requirements apply.

They must be:

.....
.....
.....

{Provisions depending on the nature of produce}

The following slight defects, however, may be allowed provided these do not affect the general appearance of the produce, the quality, the keeping quality and presentation in the package:

.....
.....
.....

{Defects allowed, depending on the nature of produce}

(iii) ***Class II***

This class includes which do not qualify for inclusion in the higher classes but satisfy the minimum requirements specified above.

They must be:

.....
.....
.....

{Provisions depending on the nature of produce}

The following defects may be allowed provided the retain their essential characteristics as regards the quality, the keeping quality and presentation:

.....
.....
.....

{Defects allowed, depending on the nature of produce}.

IV. PROVISIONS CONCERNING SIZING

Size is determined by {diameter, length, weight, circumference depending on the nature of produce}.

.....
{Provisions on minimum and maximum sizes, size range and uniformity depending on the nature of produce, the variety, the commercial type and possibly the individual classes}.

V. ~~PROVISIONS CONCERNING TOLERANCES~~

Tolerances in respect of quality and size shall be allowed in each package (or in each lot for produce presented in bulk) for produce not satisfying the requirements of the class indicated.

A. Quality tolerances

(i) *"Extra" Class*

5 per cent by number or weight of not satisfying the requirements of the class, but meeting those of Class I or, exceptionally, coming within the tolerances of that class.

.....{Possible tolerances for individual defects depending on the nature of produce}.

(ii) *Class I*

10 per cent by number or weight of not satisfying the requirements of the class, but meeting those of Class II, or exceptionally, coming within the tolerances of that class.

.....{Possible tolerances for individual defects depending on the nature of produce}.

(iii) *Class II*

10 per cent by number or weight of satisfying neither the requirements of the class nor the minimum requirements, with the exception of produce affected by rotting or any other deterioration rendering it unfit for consumption.

.....{Possible tolerances for individual defects according to the nature of produce}.

B. Size tolerances

For all classes {for individual standards, however, different provisions according to the individual classes may be laid down}: 10 per cent by number or weight of not satisfying the requirements as regards sizing.

.....{Possible provisions concerning admissible limits of deviations for sized or unsized produce}.

VI. ~~PROVISIONS CONCERNING PRESENTATION~~

A. Uniformity

The contents of each package (or lot for produce presented in bulk) must be uniform and contain only of the same origin, quality and size (if sized).

{In addition for individual standards uniformity concerning variety and/or commercial type may be laid down depending on the nature of produce}.

{Other possible provisions depending on the nature of produce}.

.....
.....
.....

The visible part of the contents of the package (or lot for produce presented in bulk) must be representative of the entire contents.

B. Packaging

..... must be packed in such a way as to protect the produce properly.

The materials used inside the package must be new, clean and of a quality such as to avoid causing any external or internal damage to the produce. The use of materials, particularly of paper or stamps bearing trade specifications is allowed provided the printing or labelling has been done with non-toxic ink or glue.

Packages (or lots for produce presented in bulk) must be free of all foreign matter.

C. Presentation

Specific provisions relating to the presentation of the produce may be included at this point.

For individual standards more stringent provisions concerning the presentation in the "Extra" Class may be laid down.

VII. PROVISIONS CONCERNING MARKING

Each package³ must bear the following particulars, in letters grouped on the same side, legibly and indelibly marked, and visible from the outside:

<for transported in bulk (direct loading into a transport vehicle) these particulars must appear on a document accompanying the goods, and attached in a visible position inside the transport vehicle.>

A. Identification

Packer)	Name and address or
and/or)	officially issued or
Dispatcher)	accepted code mark. ⁴

³ See Geneva Protocol, footnote 2, under "Marking". Consumer packages shall not be subject to these marking provisions but shall conform to the national requirements. However, the markings referred to shall in any event be shown on the transport packaging containing such package units.

⁴ The national legislation of a number of countries requires the explicit declaration of the name and address. However, in the case where a code mark is used, the reference "packer and/or dispatcher (or equivalent abbreviations)" has to be indicated in close connection with the code mark.

B. Nature of produce

- Name of the produce if the contents are not visible from the outside
-
- {Name of the variety and/or commercial type according to the nature of produce}.

C. Origin of produce

- Country of origin and, optionally, district where grown, or national, regional or local place name.

D. Commercial specifications

- Class
- Size (if sized)
-
- {Other possible particulars depending on the nature of produce}.

E. Official control mark (optional)

Adopted in 1985
Revised 1996, 2002

Annex

<Non-Exhaustive><Exhaustive> List ofVarieties

Some of the varieties listed in the following may be marketed under names for which trademark protection has been sought or obtained in one or more countries. Names believed by the United Nations to be varietal names are listed in the first column. Other names by which the United Nations believes the variety may be known are listed in the second column. Neither of these two lists are intended to include trademarks. References to known trademarks have been included in the third column for information only.⁵

Varieties	Synonyms	Tradenames	{Other information depending on the produce}

⁵ Disclaimer:

(1) Some of the varietal names listed in the first column may indicate varieties for which patent protection has been obtained in one or more countries. Such proprietary varieties may only be produced or traded by those authorized by the patent holder to do so under an appropriate license. The United Nations takes no position as to the validity of any such patent or the rights of any such patent-holder or its licensee regarding the production or trading of any such variety.

(2) The United Nations endeavoured to ensure that no trademark names are listed in columns 1 and 2 of the table. However, it is the responsibility of any trademark owner to notify the United Nations promptly if a trademark name has been included in the table and to provide the United Nations with an appropriate varietal, or generic name for the variety as well as adequate evidence ownership of any applicable patent or trademark regarding such variety so that the list can be amended. The United Nations takes no position as to the validity of any such trademarks or the rights of any such trademark owners or their licensees.

{In the case of lists of varieties where only very few trade marks appear, the list may be presented as follows (no third column and references to trade names included in footnotes)}

Annex

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Varieties	Synonyms	{Other information depending on the produce}
Variety "xyz" ⁷		

⁶ Disclaimer:

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⁷ The proprietary trademark {include the trade name here followed by the appropriate superscript J or ®} may only be used for the marketing of fruit from this variety with the express authorization of the trademark owner.