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ECONOMIC COMMISSION FOR EUROPE

COMMITTEE FOR TRADE, INDUSTRY AND  
ENTERPRISE DEVELOPMENT

Working Party on Standardization of  
Perishable Produce and Quality Development

Specialized Section on Standardization of  
Early and Ware Potatoes  
(19-21 March 2001, Geneva)

Item 9 of the Provisional Agenda

**NATIONAL LEGISLATION FOR EARLY AND WARE POTATOES**

Transmitted by Germany

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## **Regulation Governing Legal Commercial Classes of Food Potatoes of 6 March 1985**

**(Federal Law Gazette I p. 542 of 15-3-1985)**

Under article 1 para. 1 and articles 2 and 3 sentence 1 of the Commercial Classes Act as amended and officially notified on 23 November 1972 (Federal Law Gazette I p. 2201) the Federal Minister of Food, Agriculture and Forestry, in agreement with the Federal Ministers of Youth, Family and Health and of Economics,

under article 5 para. 1 sentence 2 of the Commercial Classes Act and article 36 para. 3 of the Act Governing Offences the Federal Minister of Food, Agriculture and Forestry,

under article 3 para. 3 No. 1 and 2 and article 6 para. 2 sentence 1 No. 1 and 2 of the Market Structure Act as amended and officially notified on 26 November 1975 (Federal Law Gazette I p. 2943) the Federal Minister of Food, Agriculture and Forestry, acting in agreement with the Federal Minister of Economics and

under article 17 a para. 1 No. 1 sub-paragraph c, No. 5 and 9 of the Gauging Act as amended and officially notified on 22 February 1985 (Federal Law Gazette I p. 410) the Federal Minister of Economics, in agreement with the Federal Ministers of Food, Agriculture and Forestry, of Youth, Family and Health and of Finance

shall decree with the approval of the Bundesrat:

### **Article 1**

#### **Definition of produce**

(1) Within the meaning of this Regulation food potatoes are potatoes of the species *Solanum tuberosum* L. intended for human consumption and classified into one of the following cooking types:

- firm cooking
- fairly firm cooking
- floury cooking.

(2) Early food potatoes are food potatoes, which are shipped immediately after harvest, and for the first time, between 1 January and 10 August.

## **Article 2**

### **Legal commercial classes**

(1) For food potatoes the following legal commercial classes are established

"Extra" and "I"

providing the characteristics specified in articles 4 to 6.

(2) Subject to article 3, food potatoes may only be marketed on a commercial basis or shipped into the area of jurisdiction of this Regulation in accordance with a legal commercial class and must meet the provisions of articles 4 to 6.

## **Article 3**

### **Statutory Exemption**

The provisions of this regulation do not apply to food potatoes which are

1. sold to private households at farmstead directly by the grower (self-fetching),
2. delivered ungraded and directly by the grower within the area of jurisdiction of this Regulation to sorting, packaging, storage or peeling plants for the purpose of grading, packaging, storage or processing;
3. delivered to processing plants,
4. exported or in any other way transported out of the area of jurisdiction of this Regulation.

## **Article 4**

### **Quality requirements**

(1) Subject to article 6 para. 1 the food potatoes must satisfy the following quality requirements:

1. sound, intact, clean, firm, in particular they must be free from
  - a) foreign smell and taste, sprouts longer than 2 mm, abnormal external moisture, wet and dry rot, late blight, heat damage, frost damage, rust stains, hollow or black hearts, serious corky ring spots, serious glassiness, serious internal brown spotting, serious black sub-epidermal stains;
  - b) serious injuries, i.e. injuries which require the removal of more than 1/10 of the weight of the tuber;
  - c) superficial common potato scab exceeding 25 % of the surface of the tuber;
  - d) deep common potato scab exceeding 10 % of the surface of the tuber;
  - e) green coloration, which cannot be removed without causing additional waste;
  - f) deformities of the individual tuber;
  - g) Wart (*Synchytrium endobioticum*),  
Ring rot (*Corynebacterium sepedonicum*),  
Brown rot (*Pseudomonas solanacearum*);

2. concerning a given lot or package they must be
  - a) of one variety;
  - b) free from foreign matter like earth and loose sprouts.

(2) Food potatoes shipped for the first time as of 1 October must be covered with a well formed skin.

## **Article 5**

### **Sizing**

- (1) Food potatoes must be sized. The size is determined by the inner side-length of a square mesh.
- (2) The minimum size is fixed at
  - 30 mm for tubers of long oval to long varieties
  - 35 mm for tubers of round to oval varieties.
- (3) In the case of containers of net weight of 5 kg or less the difference between the smallest and the largest tuber in the container must not exceed 30 mm.
- (4) Food potatoes not matching the minimum size provided for the given shape of tubers may be marketed in a size of
  - 25 to 35 mm in case of tubers of long oval to long varieties
  - 25 to 40 mm in case of tubers of round to oval varietiesunder the denomination "Triplets" ("Drillinge").

## **Article 6**

### **Tolerances**

- (1) The following tolerances in respect of the quality requirements (article 4 para. 1) shall be allowed:
  1. the percentage of tubers not satisfying the quality requirements according to article 4 par. 1 No. 1 sub-paragraphs a) to f) and No. 2 sub-paragraph b) may be up to 5 % by weight in the "Extra Class" and up to 8 % by weight in "Class I" of each lot or package while
    - a) the percentage of tubers affected by rotting (late blight, wet and dry rot) and frost and heat damage may not exceed 1 % by weight of each lot or package,
    - c) the percentage of foreign matter like earth and loose sprouts may not exceed 1 % by weight in the "Extra Class" and 2 % by weight of each lot or package in "Class 1". In packages with a net weight of 5 kg or less these defects are not allowed.

Defects which can be removed by peeling without causing additional waste are not considered.

2. The percentage of tubers of other varieties may be up to 2 % by weight of each lot or package.
- (2) In respect of sizing (article 5) deviations of up to 5 mm are allowed, the percentage of deviating tubers must not exceed 4 % by weight of each lot or package.

## **Article 7**

### **Packaging**

- (1) Subject to para. 2 to 4, food potatoes may be marketed on a commercial basis or transferred into the area of jurisdiction of this Regulation in prepacks only in accordance with article 14 para. 1 Gauging Act. The packaging material must be new.
- (2) In retail and on weekly markets the sale of unpacked potatoes is allowed.
- (3) For food potatoes delivered to sorting, packaging and storage plants transportation in bulk is allowed.
- (4) Food potatoes delivered directly to the consumer by the grower may be packed in used packaging material, provided that it is in perfect hygienic condition.

## **Article 8**

### **Marking**

- (1) Food potatoes in prepacks must be marked according to the Food Marking Regulation and may be marketed on a commercial basis or transferred into the area of jurisdiction of this Regulation only, if they are marked with the trade denomination and the following particulars:
  1. legal commercial class,
  2. name of the variety,
  3. cooking type expressed as "firm cooking", "fairly firm cooking" or "floury cooking",
  4. denomination "Triplets" in the case of sizing according to article 5 para. 4.

The trade denomination provided in the Food Marking Regulation is one of the denominations mentioned in article 1.

- (2) Each package must bear, in an eye-catching manner, intelligible German, clearly visible, legibly and indelibly marked, the particulars according to para. 1, either printed on the package itself or on a label secured to it. They must not be covered or separated by other particulars or graphic symbols.
- (3) Unpacked food potatoes or food potatoes in prepacks according to article 1 para. 2 of the Food Marking Regulation may be marketed on a commercial basis or transferred into the area of jurisdiction of this Regulation only, if a sign next to or on the commodity itself bears, in German and clearly visible and legible, the trade denomination and particulars described in para. 1 sentence 1.

## **Article 9**

### **Invoices, delivery notes and other documents accompanying the goods**

The commercial class of the marketed produce must be specified separately for every variety in invoices, delivery notes and other documents accompanying the goods.  
This provisions is not applicable to invoices, delivery notes and other documents accompanying the goods in retail.

## **Article 10**

### **Advertising**

In public announcements and notifications intended for a larger group of people, advertising for food potatoes must include marking of commercial classes for the individual varieties and cooking types, if prices quoted refer, directly or indirectly, to a weight unit.

## **Article 11**

### **Market quotations**

Stock exchanges, managers of public markets and other services investigating or quoting prices for food potatoes officially or for legal purposes, must base their investigations or quotations on the legal commercial classes and the individual varieties and cooking types.

## **Article 12**

### **Supervision by the Federal Office of Agriculture and Food**

The Federal Office of Agriculture and Food is responsible for the supervision of compliance with this Regulation when food potatoes are transferred into the area of jurisdiction of this Regulation as long as they are bonded goods.

## **Article 13**

### **Offences**

Any person shall be guilty of an offence under article 7 para.1 no. 3 of Commercial Classes Act, who

1. contrary to article 7 para. 1 markets or transfers food potatoes into the area of jurisdiction of this Regulation which are not prepacked in the described manner or in prepacks of which the material is not new,
2. contrary to article 8 markets or transfers food potatoes into the area of jurisdiction of this Regulation which are not marked or not marked according to the provisions or
3. does not specify the described particulars
  - a) contrary to article 9 sentence 1 in invoices, delivery notes and other documents accompanying the goods or
  - b) contrary to article 10 in announcements or notifications.

## **Article 14**

### **Administration according to the Act Governing Offences**

The Federal Office of Agriculture and Food is responsible for the jurisdiction concerning prosecution and punishment of offences according to Article 7 para. 1 No. 4 of the Commercial Classes Act and article 13 No. 1 and 2 as far as it is responsible for the supervision according to article 12.

## **Article 15**

### **Amendment of the Seventh Implementation Regulation of Market Structure Act: Potatoes**

The Seventh Implementation Regulation of Market Structure Act: Potatoes of 15 July 1970 (Federal Law Gazette I p. 1112) as last amended by para. 3 of the Regulation of 30 July 1981 (Federal Law Gazette I p. 799), is amended as follows:

In article 2 para. 3 No. 1 of the words "26 July 1971" (Federal Law Gazette I p. 1175) are replaced by the words "6 March 1985" (Federal Law Gazette I p. 542).

## **Article 16**

### **Amendment of the Prepackage Regulation**

The Prepackage Regulation of 18 December 1981 (Federal Law Gazette I p. 1585; Federal Law Gazette I 1982 p. 155) is amended like follows:

1. article 31 para. 1 sentence 2 read:  
"The indication of the net quantity on prepacks is only unnecessary where they are intended for final consumers only who use the merchandise for independent professional or commercial purposes and if the net quantity is stated in the documents accompanying the goods."
2. Annex 3 is amended as follows:
  - a) Into the Index insert number 16 a after number 16 reading:  
"16 a Potatoes".
  - b) Following number 16 in the table reproduced in the Annex, insert the words "16 a Potatoes" in column 1 and the words "1 500 - 500" in column 3.

## **Article 17**

### **Entry into force**

This regulation shall enter into force on 1 June 1985. Simultaneously the Regulation for Legal Commercial Classes for Food Potatoes and Early Food Potatoes of 26 July 1971 (Federal Law Gazette I p. 1175) shall be repealed.

Bonn, 6 March 1985

The Federal Minister  
of Food, Agriculture and Forestry  
The Federal Minister of Economics