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**Economic Commission for Europe****Steering Committee on Trade Capacity and Standards****Working Party on Agricultural Quality Standards****Seventy-fifth session**

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Item 8 of the provisional agenda

**Specialized Section on Standardization of Dry and Dried Produce****UNECE Sampling Plan for Tree Nuts and Dried Produce****Submitted by the secretariat**

The following document is submitted to the Working Party for adoption as the new UNECE Sampling Plan for Tree Nuts and Dried Produce. The document is submitted according to ECE/CTCS/2017/10 section II c and ECE/CTCS/2018/2 section VII a.

The proposed draft sampling plan for tree nuts and dried produce is based on the OECD Operating Rules for Conformity Checks as well as definitions and a specimen of a conformity certificate provided by OECD.

**Methods of conformity checks <sup>1</sup>****1. Definitions****1.1 Authorized control service**

The authorized control service has been formally approved or recognized by the government or a government agency having jurisdiction. The authorized control service should have clearly defined responsibilities and authority.

**1.2 Inspector**

The inspector is the person entrusted by the authorized control service who has appropriate and regular training enabling him/her to undertake conformity checks.

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<sup>1</sup> The Section entitled "Method of Conformity Checks" and the definitions and implementation of conformity check contained therein have been extracted and adapted from the OECD Guidelines on Conformity Checks of Fruits and Vegetables, Section II 1. Definitions and 2. Implementation of conformity check until Section 2.6.



### **1.3 Signatory**

The signatory is the person entitled by the authorized control service for carrying out the inspection and for signing the conformity certificates.

### **1.4 Trader**

Trader means any natural or legal person who holds fruit and vegetables subject to standards with the purpose of displaying or offering them for sale, selling them, or marketing them in any other manner. Such activities shall cover distance selling whether by internet or otherwise. The trader can own the produce or hold them on behalf of a third party. When an authorized control service carries out a conformity check, the trader may be represented by an appointed staff member (representative / person of the company) or by an agent.

### **1.5 Standard**

The standard defines the characteristics for produce (tree nuts and dried produce) intended to be sold or delivered in its original condition to the consumer. The standard also puts down requirements for packaging, marking and labelling.

### **1.6 Conformity check**

The conformity check is the examination carried out by an inspector to verify that the produce conforms to the standard.

This conformity check includes:

- An identity and documentary inspection: an inspection of the documents or certificates accompanying the lot and an inspection of the goods and the particulars in these documents, to check that they match.
- A physical inspection carried out by sampling to ensure that the produce in the lot satisfies all the conditions laid down by the standard, including the provisions on the presentation and marking of packages and packaging.

### **1.7 Consignment**

The consignment is the quantity of produce to be sold by a given trader found at the time of inspection and defined by a document. The consignment may consist of one or several types and lots of produce and may be split on several means of transport.

### **1.8 Lot**

The lot is the quantity of produce which, at the time of inspection at one place, has similar characteristics with regard to:

- Packer, dispatcher and/or shipper or (if available) producer;
- 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);
- Date of picking or packaging if available;
- Lot number (if available)
- Type of packaging and presentation.

However, if during the conformity check of consignments, it is difficult 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, packer/dispatcher/shipper/producer, country of origin, class and variety or commercial type, if this is provided for in the standard.

The decision on the lot is taken by the inspector.

### **1.9 Package**

Packages are individually packaged part of a lot, including contents. The packaging facilitates handling and transport of a number of sales packages or of produce loose or arranged in rows or layers and it should prevent damage that could be caused by physical handling and transport. The package may constitute a sales package. Road, rail, ship and air containers are not considered as packages.

### **1.10 Sales package**

Sales packages are 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.

### **1.11 Pre-package**

Pre-packages are a type of sales packages where 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.

### **1.12 Unit**

The unit is a single produce.

### **1.13 Primary sample**

The primary sample is the package taken at random from the lot.

### **1.14 Bulk sample**

The bulk sample is a number of primary samples supposed to be representative for the lot and whose quantity should be sufficient to allow the assessment of the lot with regard to all criteria of the relevant standard.

### **1.15 Secondary sample**

The secondary sample is a quantity of units or sales packages taken at random from the primary sample.

### **1.16 Composite sample**

The composite sample is the mix of all the secondary samples from the primary samples constituting the bulk sample.

### **1.17 Reduced sample**

The reduced sample is the quantity of produce taken at random from the bulk or composite sample whose size is restricted to the minimum quantity necessary but sufficient to allow the assessment of certain individual criteria.

Several reduced samples may be taken from a bulk or composite sample in order to check the conformity of the lot against different criteria.

### **1.18 Risk analysis**

The risk analysis is the evaluation of the likelihood and severity of adverse effects on the quality of tree nuts and dried produce. It determines the quantitative and qualitative value of risk related to a concrete situation and a recognized hazard, i.e. the non-conformity tree nuts and dried produce with the relevant standard.

## **2. Implementation of conformity check**

### **2.1 Notification**

The trader applying for conformity certificate has to make sure that the authorized control service is informed whenever a consignment is to be exported or imported.

### **2.2 Decision on conformity checks**

The authorized control service may decide to inspect the produce:

- Systematically, or
- Selectively, based on a risk analysis, and with appropriate frequency, so as to ensure appropriate compliance with the standard.

Where inspection is based on risk analysis, the rules laid down to this end in the *OECD Guidelines on Risk Analysis [AGR/CA/FVS (2006)]*<sup>2</sup> should be used.

### **2.3 Place of inspection**

A conformity check may be carried out during the packing operation at the point of dispatch, during transport, at the point of destination.

In cases where the authorized service does not carry out the conformity check in their own premises, the trader shall provide facilities enabling the conduct of a conformity check.

### **2.4 Inspector's equipment**

With respect to the range of produce covered by conformity checks, the inspector must be provided with adequate equipment.

### **2.5 Presentation of produce**

The presentation of the lot is made by the trader as well as the supply of all information deemed necessary for the identification of the consignment or lot and for the inspection.

### **2.6 Identity check**

The identification of lots shall be carried out on the basis of their marking or other criteria. 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. The inspector shall then determine 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 also be used for identification of the consignment.

## **3. Sampling in dry and dried produce**

A conformity check shall be made by assessing bulk or composite samples. It is based on the principle that the quality of the randomly taken samples is representative of the quality of the lot. The sample sizes mentioned below are minimum sizes, inspectors may increase the size of samples if needed. Increased sample sizes may be applied if so specified in the private contract or at export and/or dispatch level based on the decision of a country or a company.

The inspector selects at random the primary samples to be inspected. If secondary or reduced samples are required, these shall be identified at random by the inspector from the bulk sample.

Care should be taken to ensure that the removal of samples does not adversely affect the quality of the produce.

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<sup>2</sup> <http://www.oecd.org/agriculture/fruit-vegetables/publications/oecd-guidelines-fruit-vegetables.htm>.

Damaged packages should 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.

### 3.1 Bulk sample in case of initial sampling

The inspector shall determine the size of the bulk sample in such a way as to be able to assess the lot.

The inspector shall select a minimum of 5 samples for lots up to 1000 packages and a minimum of 10 samples for lots over 1000 packages to test conformity; however, at the discretion of the inspector, table 3.2 can be applied. If the result shows conformity, then a conformity certificate is issued. If the result indicates non-conformity, the inspection is continued in accordance with 3.2.

### 3.2 Bulk sample in case of non-conformity

The bulk sample shall comprise the following minimum quantities whenever a lot is declared unsatisfactory:

#### *Packed produce*

Number of packages in the lot	Number of packages (primary samples) to be taken to constitute the bulk sample
up to 100	5
101 to 300	7
301 to 500	9
501 to 1000	10
Over 1000	Minimum 15

In case the lot size is equal to or below the minimum bulk sample to be taken the whole lot must be inspected.

### 3.3 Size of the secondary sample

In the case of packed produce, secondary samples have to be taken from each primary sample to constitute the composite sample. The minimum size of the secondary sample taken from each primary sample shall be

- between 300 g and 1 kilo, in case the produce is packed loose in the package or
- 1 or more sales packages in case of produce packed in packages containing sales packages.

### 3.4 Size of the composite sample

The composite sample should be at least

- 3 kg in case of produce of a hundred-units-weight of 1 kg or less
- 6 kg in case of produce of a hundred-units-weight of more than 1 kg Produce in the composite sample must be evenly mixed.

### 3.5 Size of the reduced sample

The reduced sample is taken from the composite sample and must comprise at least:

- 2 x 100 nuts in case of nuts in shell
- 100 g when these 100 g contain more than 100 units
- 1,000 g when these 1,000 g contain more than 100 units
- 2,000 g when these 2,000 g contain more than 100 units.

The reduced sample mentioned above is the equivalent for 1,000 packages per lot. This means in case of lot sizes exceeding 1,000 packages the reduced sample is multiplied accordingly.

### **3.6 Physical check <sup>3</sup>**

#### **3.6.1 Verification of packaging and presentation**

The packaging, including the material used within the package, shall be checked for suitability and cleanliness according to the provisions of the relevant standard. This shall be done on the basis of primary samples, in case of packed produce. If only certain types of packaging or presentation are permitted, the inspector checks whether these are being used. Moreover, this check is used to get a general impression of the lot.

#### **3.6.2 Verification of marking**

The marking shall be checked for correctness, completeness and readability according to the provisions of the standard. This shall be done on the basis of primary samples, in case of packed produce. When produce is presented in sales packages presented in packages, the check should verify that the marking of the sales packages (if they are marked) and that of the packages is not misleading.

#### **3.6.3 Verification of foreign material in the package**

The foreign material being loose in the package shall be checked on the basis of the composite sample.

#### **3.6.4 Verification of the size**

The size indicated on the package may be checked by one of the following methods. If size is by count:

- a) From the composite sample, 100 units are counted. The hundred-units-weight is determined. From the hundred-units-weight, the number of units per 1 kg is calculated and the result is given as a rounded integer without decimal places.
- b) From the composite sample, the reduced sample as determined in section 3.5 is taken and the number of units making this reduced sample are counted. The result is – when necessary – given as an equivalent to 1,000 g.

If size is by size range, from the composite sample the triple amount of the reduced sample is taken and the sieved in accordance with the size range indicated.

#### **3.6.5 Verification of characteristics of the produce**

The general appearance of the produce shall be checked for conformity with the minimum requirements, classification and uniformity according to the provisions of the standard. This shall be done on the basis of the reduced sample.

The explanatory brochures published by the OECD Scheme for the Application of International Standards for Fruit and Vegetables <sup>4</sup> or by the UNECE <sup>5</sup> are taken into account when assessing the produce.

For tree nuts and dried produce, the criteria on the degree of development and/or moisture content can be checked using the instruments and methods laid down in the standard.

If during inspection it becomes obvious that the lot is heterogeneous, the lot should be separated – if possible – in homogenous lots. If this is not possible, the report of non-conformity should mention the heterogeneous character of the lot.

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<sup>3</sup> The section entitled “Physical check” under “Method of Conformity Checks” has been extracted from the OECD Guidelines on Conformity Checks of Fruits and Vegetables, Section II 2. Implementation of conformity, 2.8 Physical check.

<sup>4</sup> <http://www.oecd.org/agriculture/fruit-vegetables/publications/brochures/>.

<sup>5</sup> <http://www.unece.org/tradewelcome/steering-committee-on-trade-capacity-and-standards/tradeagr/brochures-and-publications.html>.

### **3.6.6 Determination of inspection result**

The result of inspection is representative for the lot, as all samples (primary, secondary and reduced sample) are taken at random.

In the case where defects are detected, the inspector shall determine the respective percentage of the produce not in conformity with the standard by number or weight – as specified in the standard.

If the percentage of defects found is close +/- 10 percent to the tolerance another reduced sample, equal in number to the first sample, may be checked. The overall result is reported as an average of the two checks.

The inspector may decide to inspect a second bulk sample, especially if the lot appears as being heterogeneous. The overall result is reported as an average of the two checks.

The final result is given as a rounded integer.

Example: If the calculated result is 2.01 to 2.44 % the result is indicated as 2 %. If the calculated result is 2.49 to 2.99 % the result is indicated as 3 %.

### **3.7 Report of control results**

According to the respective legal provisions of the individual countries and depending on the results of control, a report on the findings may be made in the form of a conformity certificate or a report of non-conformity.

#### **3.7.1 Conformity certificate**

The authorized control service may issue a Certificate of Conformity as set out in Appendix I, if the produce is in conformity with the relevant standard.

Several lots may be listed on the same Conformity Certificate if these are uniform with respect to the key criteria such as packer/dispatcher/shipper, receiver and/or means of transport.

#### **3.7.2 Report of non-conformity**

If defects are found leading to non-conformity, the trader must be informed about these defects and the percentage found as well as the reasons of complaint. This information must be made according to the legal provisions of the individual countries. If compliance of produce with the standard is possible by a change in marking or by re-grading, the trader must be informed.

### **3.8 Stop-notice**

A lot for which a report of non-conformity has been issued may not be moved without the authorization of the authorized control service that issued that non-conformity report. This authorization can be subject to the conditions laid down by the authorized control service.

### **3.9 Re-inspection**

The trader may decide to bring all or part of the lot into conformity. A lot brought into conformity may not be marketed before the authorized control service has ensured by all appropriate means that the lot has actually been brought into conformity. The inspector may issue a conformity certificate for the lot or part of it only once the lot has been brought into conformity.

### **3.10 Record of control results**

The authorized control service shall develop and maintain a system of recording the inspection results.

### **3.11 Notification of non-conformity**

When defects or deterioration which could have been detected at the time of packaging are found at destination, the authorized control service competent at export/dispatch has to be informed. To facilitate this notification, the notification form and codes laid down to this end in *Document to Facilitate the Exchange of Information between National Control Services of Exporting and Importing Countries on Non-Conformity of Fruit and Vegetables*<sup>6</sup> should be used.

### **3.12 Decline in value by conformity checks**

After the conformity check, the bulk/composite sample shall be given to the disposal of the trader.

The authorized control service shall not be obliged to return produce of the bulk/composite sample that have been damaged or destroyed during the conformity check, unless this is stated in national legal provisions.

No compensation can be claimed from the authorized control service if the commercial value of the produce has suffered a loss, unless this is stated in national legal provisions.

### **3.13 Communication**

It is recommended that the authorized control service develops and cultivates regular communication with the industry as well as with other authorized control services.

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<sup>6</sup> <http://www.oecd.org/agriculture/fruit-vegetables/publications/oecd-guidelines-fruit-vegetables.htm>.

**Appendix I:****Model conformity certificate <sup>7</sup>**

1 Exporter/Trader		OECD SCHEME	CONFORMITY CERTIFICATE for standards N° .....	
		This certificate is for the exclusive use of control services		
2 Packer as indicated on packing (if other than exporter/trader)		3 Control service		
		4 Country of origin *	5 Country of destination	
6 Identification of means of transport		7 Space reserved for national regulations **		
8 Packages (number and type)	9 Nature of produce (variety when specified by the standard)	10 Quality class	11 Total weight in kg gross/net	
<p>The consignment referred to above conforms, at issue time, to the standards.</p> <p>-----</p> <p>Customs office of departure **</p> <p>Valid until (date): .....</p> <p>-----</p> <p>Signatory (name in block capitals)</p> <p>Signature</p> <p>-----</p> <p>Place and date of issue</p> <p>Seal of Authorized Control Service</p>				
13 Observations				
<p>* When the produce is re-exported, indicate its origin after the nature of the produce</p> <p>** Optional</p>				

Format of the certificate: printed on a 297 mm x 210 mm (A4) sheet

<sup>7</sup> OECD Guidelines on Conformity Checks of Fruits and Vegetables, Appendix I “Model Conformity Certificate”.

## Appendix II:

### **Explanatory notes on the use of the model conformity certificate**

The following notes are intended to help inspectors in the use of the conformity certificate.

#### **Box No. 1 - Exporter/Trader**

Name and physical address (e.g. street/city/region/postal code and, if different from the country of origin, the country) of the exporter or exporting firm or trader. The name and address may be substituted by an identification code issued or approved by the authorized control if this is accepted pursuant to national legal provisions.

#### **Box No. 2 - Packer as indicated on packing (if other than exporter/trader)**

Name and address or identification code indicated on the packages if they differ from those given in Box No. 1. It is not necessary to complete this box when the exporter/dispatcher/shipper and packer are one and the same person. The entry "various" may be used if there are several packers, but in that case box no. 1 must be completed.

#### **Box No. 3 - Control service**

Title or acronym of the authorized control service.

#### **Box No. 4 - Country of origin**

Name of the producing country when the produce is inspected in that country. When the produce is re-exported or is of various origins (national and foreign), the country of origin must be indicated in Box No. 9 immediately after specification of the nature of the produce. Box No. 4 must then remain empty or be deleted.

#### **Box No. 5 - Country of destination**

Name of country to which the produce is being sent. However, if the country of final destination is not yet known at the time of inspection -- particularly in the case of transport by sea or air -- this entry may be replaced by the indication "unknown".

#### **Box No. 6 - Identification of means of transport**

Number of wagon, registration number of lorry, number of container, name of vessel (possibly indicating "by sea" or "by air").

#### **Box No. 7 - Space reserved for national regulations**

Specify any national regulations relating to the export of the produce in question, or any specific information related to national provisions.

#### **Box No. 8 - Packages (number and type)**

Number and type of packages of each produce (e.g. boxes, trays, cartons, etc.). Specification of the type of packaging material or the size of the package is optional.

#### **Box No. 9 - Nature of produce (variety when specified by the standard)**

Type of produce (inshell walnuts, almond kernels, dried apricots, etc.) for each lot followed by the name of the country of origin where produce is re-exported or is of various origins (national and foreign). Name of the variety (Chandler, Franquette, etc.) when specified by the standard. The entry "various" or "mixed produce" is not allowed as this combines several lots. The term "mixture of name of produce" is allowed for packages containing mixtures of varieties and/or commercial types as specified in the standard.

#### **Box No. 10 – Quality class**

Specify the class: EXTRA, I or II.

**Box No. 11 - Total weight in kg gross/net**

Specify the net or gross weight of each lot indicated on the consignment note; specifying the total net weight of the consignment is optional.

**Boxes Nos. 8, 9, 10 and 11 - Lots**

Several lots from the same exporter/dispatcher/shipper/packer constituting a shipment or part of a shipment can be subjects of a single certificate, as long as each lot is checked. In this case, boxes 8 to 11 can be divided in lines, each line giving the concerned information for a lot in the shipment (or the part of shipment).

**Box No. 12 - The consignment referred to above conforms, at issue time, to the standards**

- Customs office of departure: specify the place where the consignment must be cleared. This entry is optional.
- Duration of validity: The expiring date is fixed by the inspector on the basis of criteria specific to the nature of produce and their destination.
- Signatory: authorized by the authorized control service
- Place and date of issue: place where the goods are inspected and date on which the certificate is issued.

**Box No. 13 - Observations**

Reserved for any additional observations. The inspector shall delete this box when no observations are entered.

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