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Working Party on Agricultural Quality Standards

Sixty-First session

Geneva, 18 to 20 October 2005

Item 8(d) of the Provisional Agenda

Point of Application of UNECE Standards*

Note by the secretariat: The Specialized Sections (TRADE/WP.7/GE.1 and TRADE/WP.7/GE.6) as well as previous sessions of the Working Party have discussed how to make reference to the point of application of UNECE standards. The present document sums up the result of these discussions.

1. Summary of the discussion at the 51st session of the Specialized Section on Standardization of Fresh Fruit and Vegetables (TRADE/WP.7/GE.1/2005/18)

UNECE standards are applied at different stages of marketing and also in some countries for national trade. The revised UNECE Standard for Kiwi Fruit in the minimum maturity requirements makes explicit reference to stages following dispatch.

On the other hand, the Geneva Protocol and each standard contain the provision that “The purpose of the standard is to define the quality requirements of <PRODUCE NAME> at the export control stage, after preparation and packaging.”

At earlier sessions, different specialized sections and the Working Party discussed the possibility of reflecting this by deleting reference to the export control stage.

The Specialized Section discussed the proposal:

- to delete the reference to the export control stage
- to include a paragraph stating that the standards apply at all marketing stages
- to include a paragraph allowing a slight deterioration and loss of freshness in stages following dispatch
- to include the obligation for the holder not to market products unless in conformity with the standard.

The proposal was based on text used in relevant European Community legislation.

While acknowledging that UNECE standards were applied in different stages of marketing the Specialized Section could not reach consensus on the proposal. Several delegations felt that including further provisions in the standards might make their application more difficult rather than facilitating them.

Delegations generally agreed that UNECE standards were essentially technical and therefore should contain only provisions related to the produce and not to their application. This could be dealt with in the Geneva Protocol.

2. Summary of the discussion on a related topic (destination tolerances) at the 35th session of the Specialized Section on Standardization of Seed Potatoes (TRADE/WP.7/GE.6/2005/11)

The UNECE Seed Potato Standard defines quality tolerances at the export control point. However, there is a perception by importing countries that these are the quality standards to be applied at the point of import. This expectation is achievable for most of the diseases and defects listed in Annex III of the standard, as they do not develop during transport. However, a number of potato pathogens cause diseases which can progress during storage and shipment, so that there is a risk that a tolerance may not be met at the point of import even though it had been met at the point of export.

The Specialized Section discussed the proposal:

- to include a new paragraph in the introduction concerning the responsibilities for ensuring the application of the standard and the quality of the lot
- to include paragraph in Chapter III: "Provisions concerning quality" stating that the conditions of the seed potatoes at export should be such as to enable them to arrive in satisfactory condition at their destination. (Such a phrase is included in all UNECE Standards for Fruit and Vegetables)

The Specialized Section agreed to include the proposed text on responsibilities in the introduction.

The proposed text for Chapter III was not agreed. It was felt that it was too subjective and open to different interpretation. Some delegations said they would like to include at least a sentence to raise awareness about progressive diseases and that the state of the goods might not be the same at export than at destination but no text was agreed.

The Specialized Section decided to discuss the issues related to the state of goods at destination at the next bureau meeting in the context of the wider topic of international arbitration. The text agreed at this session would be re-examined at that stage.

The secretariat provided copies of "INCOTERMS 2000" containing terms used to define responsibilities for shipment. This text had been originally produced by UN/CEFACT and was now further developed by the International Chamber of Commerce.

3. No discussion on this topic was held at the 52nd session of the Specialized Section on Standardization of Dry and Dried Produce (TRADE/WP.7/GE.2/2005/19)

4. Conclusions

The secretariat agrees with the assessment of GE.1 that UNECE standards are essentially technical and therefore should contain only provisions related to the produce and not to their application.

The application should be dealt with in the Geneva Protocol in the case of Fresh Fruit and Vegetables and Dry and Dried Produce.

In the case of Seed Potatoes these provisions could be included in the introduction as already proposed.

The current revision process of the Geneva Protocol could enlarge its scope so that it would contain all products dealt with by WP.7. In this case provisions concerning application could be harmonized for all products.

The approach of the Specialized Section on Standardization of Seed Potatoes to discuss the issues related to the state of goods at destination in the context of the wider topic of international arbitration is interesting. This could also be discussed in the Working Party, in other Specialized Sections and in cooperation with the OECD Scheme.