

OECD FRUIT AND VEGETABLES SCHEME

GUIDELINES ON THE VERIFICATION OF THE COUNTRY OF ORIGIN

VIA CONFORMITY CHECKS ON MARKETING STANDARDS
FOR FRUIT AND VEGETABLES



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vegetables

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OECD guidelines on the verification of the country of origin - via conformity checks on marketing standards for fruit and vegetables

Preamble

These guidelines aim to guide Adherents to the OECD Fruit and Vegetables Scheme in the verification of the country of origin of fruit and vegetables. While they are not legally binding, there is an expectation that Adherents to the OECD Fruit and Vegetables Scheme will implement them.

The Guidelines refer to the *Decision of the Council revising the OECD Scheme for the Application of International Standards for Fruit and Vegetables* [OECD/LEGAL/0346] as the “Decision” or “Decision [C(2006)95, as amended]” or the “Rules”. The “Decision” can be consulted at <https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0346>.

These guidelines apply the definition of traders as set in the OECD Fruit and Vegetables Scheme’s Rules.

1. Introduction

The marketing standards for fruit and vegetables require the mandatory indication of the country of origin. In addition, the region of growing may be indicated on a voluntary basis. The indication of origin is important for consumers and traders¹.

In fruit and vegetables, the country of origin is the country where a particular fruit or vegetable has been grown and harvested.

With respect to the flow of goods around the world, the seasonality of crops and supply, it is important to provide reliable information on the country of origin of the fruit and vegetables. From the producer and trader's point of view, the indication of the country of origin is a promotion tool. Consumers are sensitive to the country where their fruit and vegetables come from. The importance of the country of origin becomes obvious when the price for a specific produce becomes origin-dependent.

The information on the country of origin is a very basic and elementary one and must be kept and transferred along the whole supply chain. However, the indication of the country of origin may be subject of irregularities and fraud. The true indication of the country of origin is a question of transparency and reliability. However, this information is only valuable if it can be verified during inspection.

¹ See OECD definition in rules.

2. Main goals

The Guidelines address inspectors of authorised control services or traders of the fruit and vegetable market carrying out conformity checks on marketing standards in general and the verification of the country of origin in special.

The Guidelines provide a systematic procedure for the verification of the country of origin indicated on the packages. It takes into account the different stages of marketing including cross-border trade as well as online trade.

3. Legal provisions

International marketing standards for fruit and vegetables such as UNECE standards include the obligatory indication of the country of origin and the optional indication of the region of growing as well as the obligatory indication of name and address of the packer and/or dispatcher on each package.

In order to allow a proper verification of country of origin it is recommended that the country incorporates the following elements into its legal framework:

- Prohibit any misleading marking or labelling in relation to the country of origin.
- Integrate international marketing standards such as UNECE standards and specify that these marketing standards are valid at all marketing stages including import, export and online trade.
- Specify that primary produce must be labelled with the country of origin, and in addition the field / region / of growing may be indicated on a voluntary basis until it is finally packed and labelled in accordance with the respective standard.
- Specify that invoices and accompanying documents, excluding receipts for the consumer, shall indicate the name and the country of origin per product and, where appropriate, the class, the variety or commercial type if required in a specific marketing standard, or the fact that it is intended for processing.
- Specify for distance contracts (online trade) that the country of origin shall be available at the time of offer and shall be indicated in invoices and accompanying documents destined for the consumer. These obligations should include sales from the producer to the final consumer via distance contracts (online sale) and subscription of fruit and vegetable baskets or boxes.
- Assign the competent inspection service(s).
- Entitle the competent inspectors:
 1. to enter business premises and property, sales facilities and means of transport and make inspections there;
 2. to take samples against receipt; at the request of the person concerned, part of the sample or, if indivisible, that a second sample shall be left sealed;
 3. to review and check business records;
 4. to request information.

Those powers shall also extend to products held in stock, offered, displayed, supplied, sold or otherwise placed on the market in public places, in particular markets, squares, streets or for sale.

- Oblige the traders to present the products to be inspected in such a way as to enable the survey to be duly carried out, themselves or others to provide the necessary assistance with the visit, have the samples taken, present the business records, have them checked and provide information.
- Oblige the seller to give all information deemed necessary by the inspection body as to name and address of the packer and/or dispatcher in case the legislation of the country allows to replace this information by name and address of the seller.
- Provide provisions that legal or administrative offences can be punished with a sanction.

4. Responsibilities of the industry

Traders have to keep true records per product of volumes originating from a specific area or country of origin in a timely manner according to their function in the supply chain:

- a) harvested, which means that the produce coming in from their field(s) must be correctly labelled,
- b) purchased in order to guarantee the level of availability,
- c) packed for the market,
- d) sold to a specific client.

The trader's records must clearly specify the volume being one lot with respect to the definition as laid down in Annex II on *Operating rules for conformity checks of fruit and vegetables covered by a standard* of the Decision [C(2006)95, as amended]. The records must specify whether a lot is composed of different deliveries and whether a lot has been split.

The documents accompanying the goods must be available at time of inspection.

The traders should adjust the labels indicating the information required by the standard to the instruction of the GENERAL PROVISIONS FOR THE LABELLING AND IDENTIFICATION OF FRESH FRUIT AND VEGETABLES published by OECD. Which means, the country of origin should be given in a clearly specified section of the label and the common name of the country should be preceded by "country of origin" or "origin". Acronyms apart from those internationally agreed are not allowed, as they might be misleading.

5. **Verification of the country of origin**

The inspection of the marketing quality of fresh fruit and vegetables is performed along the supply chain – including export and import – in line with OECD Guidelines on conformity checks.

5.1. Presentation of produce and information

The trader of produce is responsible for the presentation of the lot as well as the primary samples (packages) selected for inspection by the inspector.

The trader of the produce must also present physically or electronically the accompanying documents.

In case of missing data – on the package or in the documents – the trader of the produce is responsible for providing this information or any other information necessary to clarify the situation and requested by the inspector.

5.2. Documentary check

Inspector verifies the accompanying documents presented by the trader, especially if all necessary particulars about produce, including the country of origin are in the documents.

The documentary check is also a verification of the identity of the lot. This means, the inspector checks whether the lot presented complies with the information in accompanying documents and if labelling and accompanying documents comply with each other.

5.3. Verification of marking

The inspector verifies whether the lot is correctly labelled according to the marketing standards and other national provisions based on the primary samples.

The information provided must be in line with the standard – complete and correct.

The information provided in the documents must not be in contradiction to that one on the packages. The information given on the packages must not be in contradiction to that one on the sales packages contained in the package and/or on the produce (by means of label or lasers).

In these Guidelines, the check of marking is exclusively related to all information helping to verify the country of origin.

5.3.1. Identification data of the packer and/or dispatcher

These data must be given as required by the standard, e.g. pursuant to the UNECE standards:

“Name and physical address (e.g. street/city/region/postal code and, if different from the country of origin, the country) or a code mark officially recognized by the national authority if the country applying such a system is listed in the UNECE database.

Explanatory footnote: 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, and the code mark should be preceded by the ISO 3166 (alpha) country/area code of the recognizing country, if not the country of origin.”

The inspector may verify the address given on the package:

- Post boxes, web-addresses and e-mail-addresses are not acceptable to replace the physical address.
- In order to proof the correctness of the physical address, the inspector may check the invoice and other documents accompanying the lot or check the website of the dispatcher for consistency of indicating the physical address.
- Any legally recognised and accessible registry may be checked.

In case a name and physical address of the packer and/or dispatcher is not indicated, the inspector checks whether there is a code preceded by “packer”, “dispatcher”, “exporter” or equivalent abbreviations.

If this is the case, the inspector may check whether the country of dispatch is a country listed in the UNECE code mark registry: <http://www.unece.org/trade/agr/usefulmaterials.html>

The inspector may contact the competent authority to verify whether the indicated code is listed and the recognition of the code still valid.

Other methods to check if the code mark is reliable and what is covered by the code mark are:

- to check the accompanying documents,
- to check if the code mark is in the national registry or the competent authority registry of the importing country (keeping such registries depend on the importing countries and is voluntary),
- to ask trader to give complementary information about packer/dispatcher/exporter covered by the code mark.

5.3.2. Country of origin

This information must be given as required by the standard, e.g. pursuant to the UNECE standards:

UNECE standard:

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

Explanatory footnote

The full or a commonly used name should be indicated

While checking whether the country of origin indicated on the package is the correct one, the following elements may be taken into consideration:

- Is the trader of the produce reliable, i.e. did he/she receive at previous inspections complaints / rejections because of false indication of the country of origin?

- Is the supply chain short, straight and reliable?
- Is any of the intermediaries known for unreliability?
- Is it possible, that the produce originates in the indicated country of origin, i.e. question of season, weather conditions at harvest, stocks?
- Is there any specific preference for the indicated country of origin and is a certain shortage of supply known?
- Are there any trade measures applied to the particular fruit or vegetables, such as duties or free trade agreements?
- Are data of the volume harvested by the trader or his/her supplier registered?
- Do supplier or seller run specific promotion activities?
- Do specific codes such as GLN trigger (or provide evidence) that the production might not have taken place in the indicated region or country of origin?

In case of any suspicion of false indication, the inspector may:

- Check the incoming and outgoing invoice register of the trader inspected.
- Check features of the whole consignment or particular lots of fresh fruit and vegetables. The presentation and packaging of fresh fruit and vegetables may show evidence that the country of origin was wrongly labelled or falsified. The external characteristics of the produce may suggest that the country of origin is other than indicated.
- Check any physical evidence of boxes or labels which have been thrown away. The inspector may have a look around the premises for physical evidence. For example: boxes with a different origin marked on it.
- Check on the farm whether the produce declared as produce from the farm is reliable with respect to volume harvested, plantation area, cultivated varieties, etc. If checking such information is beyond the inspector authorisation, the competent inspection service of the country of provenance should be asked for administrative cooperation and assistance.
- Check in the internet or through competent authorities responsible for quality inspection in third countries the producer's commercial activities etc.
- Check the supplier of the trader inspected – specifically the incoming and outgoing invoice register. If the supplier is settled outside the inspector's area of competence, the competent inspection service should be asked for administrative cooperation and assistance.

At all stages of marketing, the inspector has the right to trace back and forward the supply chain. This should be done as quickly as possible. In case of any inconsistencies, the relevant authorities should be informed and closely involved.

To facilitate the contacting, the lists of competent control bodies of OECD should be kept updated.

The list of competent authorities of OECD is available at: <http://www.oecd.org/agriculture/fruit-vegetables/about/members/list-national-designated-authorities-participating-in-oecd-fruit-vegetables-scheme.htm>

5.3.3. Additional information (valuable in the process of verification of the country of origin):

Some other information indicated in addition to the obligatory information of the country of origin can be used to verify the country of origin. This can be any other codes such as:

GLN (GS1 codes)

The Global Location Number (GLN) is part of the private GS1 systems of standards. It is a simple tool used to identify a location and can identify locations uniquely where required. This identifier is compliant with norm ISO/IEC 6523. The GS1 Identification Key is used to identify physical locations or legal entities. The key comprises a GS1 Company Prefix, Location Reference, and Check Digit. The location identified with GLN could be a physical location such as a warehouse or a legal entity such as a company or customer or a function that takes place within a legal entity. It can also be used to identify something as specific as a particular shelf in a store. Being able to identify locations with a unique number is a key to many business processes. The GLN is used in electronic messaging between customers and suppliers, where location advice is important. GLN is also used within companies to identify specific locations both electronically in a database and physically where the GLN can be produced in a bar code or GS1 EPC tag (<https://gepir.gs1.org/index.php/search-by-gln>).

GGN

The Global GAP Number mostly refers to the growers of the produce, however there is no officially accessible database. GGN cannot replace the address of the packer/dispatcher. This could be additional information about the grower and may be valuable in the process of verification of the country of origin.

Lot number

Traceability codes

Isotope analysis

In order to reconfirm the result of the verification of the country of origin, an isotope testing may be initiated. The isotope-analysis has a high potential for the identification and verification of the country or region of origin.

5.4. Actions to be taken by the inspector in the case of non-compliance

Where the indication of name and address of the packer and/or dispatcher and/or the country of origin is missing, incomplete or wrong, the lot does not conform to the standards. The inspector may request to the trader responsible of the lot further data that proves the evidence of the correct country of origin. Until that evidence is given, the lot is regarded as being not in conformity. The inspector shall issue a report of non-conformity for the attention of the trader or their representatives. This report must clearly specify the non-compliance with the standard.

A lot for which a report of non-conformity has been issued may not be marketed, which includes import and export unless the non-conformity has been eliminated.

A lot for which a report of non-conformity has been issued may not be moved without the authorisation of the inspection body issuing that report. That authorisation can be subject to the respect of conditions laid down by the inspection body.

The trader may decide:

- To provide the information required,
- To complete the documentation as required,
- To re-label the packages and where necessary the sales packages,
- To withdraw the consignment or prohibit entry/import when relabelling is impossible.

A lot brought into conformity may not be marketed before the competent inspection body has ensured by all appropriate means that the lot has actually been brought into conformity. The competent inspection body shall issue, where applicable, a certificate of conformity for the lot or part thereof only after the goods have been brought into conformity.

Where the lot can or shall not be brought into conformity, the inspection body may, if necessary, request the trader to take adequate measures in order to ensure that the products concerned are not marketed. This may include that a lot is destroyed under supervision of the competent authority.

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For fruit and vegetables, the country of origin is the country where a particular fruit or vegetable has been grown and harvested. The true indication of the country of origin is a question of transparency and reliability. However, this information is only valuable if it can be verified during inspection.

These Guidelines provide a systematic procedure for the verification of the country of origin indicated on the packages. It takes into account the different stages of marketing including cross-border trade as well as online trade.