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COMMISSION REGULATION (EC) No 1455/1999
of 1 July 1999
laying down the marketing standard for sweet peppers

(OJ L 167, 2.7.1999, p. 22)

Amended by:

		Official Journal		
		No	page	date
►**M1**	Commission Regulation (EC) No 2706/2000 of 11 December 2000	L 311	35	12.12.2000
►**M2**	Commission Regulation (EC) No 2147/2002 of 2 December 2002	L 326	8	3.12.2002
►**M3**	Commission Regulation (EC) No 46/2003 of 10 January 2003	L 7	61	11.1.2003
►**M4**	amended by Commission Regulation (EC) No 6/2005 of 4 January 2005	L 2	3	5.1.2005
►**M5**	Commission Regulation (EC) No 907/2004 of 29 April 2004	L 163	50	30.4.2004

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COMMISSION REGULATION (EC) No 1455/1999

of 1 July 1999

laying down the marketing standard for sweet peppers

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables ([1]), as last amended by Regulation (EC) No 1257/1999 ([2]), and in particular Article 2(2) thereof,

(1) Whereas sweet peppers are listed in Annex I to Regulation (EC) No 2200/96 as products for which standards are to be adopted; whereas Commission Regulation (EEC) No 79/88 of 13 January 1988 laying down quality standards for lettuces, curled-leaved endives, broad-leaved (Batavian) endives and sweet peppers ([3]), as last amended by Regulation (EC) No 888/97 ([4]), has been amended many times and no longer ensures legal clarity;

(2) Whereas, in the interests of clarity, the rules on sweet peppers should be separated from those on other products under Regulation (EEC) No 79/88; whereas the rules in question should therefore be recast and Annex II to Regulation (EEC) No 79/88 on sweet peppers deleted; whereas, to that end, for reasons of transparency on the world market, account should be taken of the standard recommended for sweet peppers by the Working Party on Standardisation of the Perishable Produce and Quality Development of the United Nations Economic Commission for Europe (UN/ECE);

(3) Whereas the effect of these standards must be to remove products of unsatisfactory quality from the market, gear production to satisfying consumer requirements and facilitate trade relations on the basis of fair competition, thereby helping to make production more profitable;

(4) Whereas the standards are applicable at all stages of marketing; whereas transport over a great distance, storage for a certain length of time and the various handling operations to which the products are subjected may bring about deterioration due to the biological development of the products or their perishability; whereas account should be taken of such deterioration when applying the standards at the marketing stages following dispatch;

(5) Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fresh Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

The marketing standard for sweet peppers covered by CN code 0709 60 10 shall be as set out in the Annex.

The standard shall apply at all stages of marketing under the conditions laid down in Regulation (EC) No 2200/96.

However, at stages following dispatch, the products may show, in relation to the provisions of the standards, a slight lack of freshness and turgidity, and slight deteriorations due to their development and their tendency to perish.

([1]) OJ L 297, 21.11.1996, p. 1.
([2]) OJ L 100, 26.6.1999, p. 80.
([3]) OJ L 10, 14.1.1988, p. 8.
([4]) OJ L 126, 17.5.1997, p. 11.

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Article 2

Regulation (EEC) No 79/88 is amended as follows:

1. in the title, ‘curled-leaved endives, broad-leaved (Batavian) endives and sweet peppers’ is replaced by ‘curled-leaved endives and broad-leaved (Batavian) endives’;

2. the first paragraph of Article 1 is replaced by the following:

   ‘The quality standards for lettuces, curled-leaved endives and broad-leaved (Batavian) endives falling within subheadings 0705 11, ex 0705 19 and 0705 29 00 of the Combined Nomenclature shall be as set out in the Annex.’;

3. Annex II is deleted.

Article 3

This Regulation shall enter into force on the third day following its publication in the *Official Journl of the European Communities*.

It shall apply from the first day of the month following that of its entry into force.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

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ANNEX

STANDARD FOR SWEET PEPPERS

I. DEFINITION OF PRODUCE

▼M1

This standard applies to sweet peppers of varieties (cultivars) grown from *Capsicum annuum* L. var. *annuum*, to be supplied fresh to the consumer, sweet peppers for industrial processing being excluded.

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According to their shape a distinction is made for four commercial types:

— elongated sweet peppers (pointed),

— square sweet peppers (blunt),

— square tapering sweet peppers (peg top),

— flat sweet peppers (tomato peppers).

II. PROVISIONS CONCERNING QUALITY

The purpose of the standard is to define the quality requirements for sweet peppers after preparation and packaging.

A. **Minimum requirements**

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

— intact,

— 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,

— fresh in appearance,

— practically free from pests,

— practically free from damage caused by pests,

— well-developed,

— free of damage caused by frost,

— free of unhealed injuries,

— free of sunburn [except for the specifications in Chapter B: Classification, point (ii)],

— with peduncles attached,

— free of abnormal external moisture,

— free of any foreign smell and/or taste.

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

— withstand transport and handling, and

— arrive in satisfactory condition at the place of destination.

B. **Classification**

Sweet peppers are classified in two classes, defined below:

(i) *Class I*

Sweet peppers in this class must be of good quality. They must be characteristic of the variety and/or commercial type as regards development, shape and colour with due regard to the degree of ripeness.

They must be:

— firm,

— practically free of blemishes.

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The peduncle may be slightly damaged or cut with the calyx intact.

(ii) *Class II*

This class includes sweet peppers which do not qualify for inclusion in Class I but satisfy the minimum requirements specified above.

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

— defects in shape and development,

— sunburn or slight healed injuries, with a limit of 2 cm in length for defects of elongated shape, and 1 cm^2 of the total area for other defects,

— slight dry superficial cracks not exceeding an overall cumulative length of 3 cm.

They may be less firm without being withered.

The peduncle may be damaged or cut.

III. PROVISIONS CONCERNING SIZING

Size is determined by the shoulder diameter (width) of the sweet peppers. In the case of flat sweet peppers (tomato peppers) the term 'width' means the maximum equatorial diameter.

For sized sweet peppers, the difference in diameter between the largest and smallest sweet pepper in the same package may not exceed 20 mm.

The width of sweet peppers may not be less than:

▼M1

— elongated sweet peppers (pointed): 20 mm

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— square sweet peppers (blunt) and square tapering sweet peppers (peg-top): 40 mm

— flat sweet peppers (tomato peppers): 55 mm

Sizing is not compulsory for Class II, subject to the minimum sizes.

▼M1

The size requirements shall not apply to miniature produce ([1]).

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IV. PROVISIONS CONCERNING TOLERANCES

Tolerances in respect of quality and size shall be allowed in each package for produce not satisfying the requirements of the class indicated.

A. **Quality tolerances**

(i) *Class I*

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

(ii) *Class II*

10 % by number or weight of sweet peppers 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.

B. **Size tolerances**

(i) *Class I*

10 % by number or weight of sweet peppers not conforming to the sizes identified within a margin of ± 5 mm including no more than 5 % of sweet peppers below the minimum size laid down.

([1]) Miniature product means a variety or cultivar of sweet pepper, obtained by plant breeding and/or special cultivation techniques, excluding sweet peppers of non-miniature varieties which have not fully developed or are of inadequate size. All other requirements of the standard must be met.

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(ii) *Class II*

— *Sized sweet peppers*

10 % by number or weight of sweet peppers not conforming to the sizes identified within a margin of ± 5 mm including no more than 5 % of sweet peppers below the minimum size laid down.

— *Unsized sweet peppers*

5 % by number or weight of sweet peppers up to 5 mm smaller than the minimum size laid down.

V. PROVISIONS CONCERNING PRESENTATION

A. **Uniformity**

The contents of each package must be uniform and contain only sweet peppers of the same origin, variety or commercial type, quality, size (if sized) and, in the case of Class I, of appreciably the same degree of ripeness and colouring.

▼M2

However, a mixture of sweet peppers of different colours may be packed together, provided they are uniform in origin, quality, commercial type and size (if sized).

Consumer packages of a net weight not exceeding one kilo, may contain mixtures of sweet peppers of different colours and/or commercial types, provided they are uniform in quality, and for each colour and/or commercial type concerned, in origin.

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In the case of sized produce, elongated sweet peppers should be sufficiently uniform in length.

▼M1

Miniature sweet peppers must be reasonably uniform in size. They may be mixed with other miniature products of a different type and origin.

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The visible part of the contents of the package must be representative of the entire contents.

▼M3

Notwithstanding the preceding provisions in this point, products covered by this Regulation may be mixed, in sales packages ►M4 of a net weight of three kilograms or less ◄, with different types of fresh fruit and vegetables on the conditions laid down by Commission Regulation (EC) No 48/2003 ([1]).

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B. **Packaging**

The sweet peppers 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 paper or stamps bearing trade specifications is allowed, provided the printing or labelling has been done with non-toxic ink or glue.

packages must be free of all foreign matter.

▼M5

Stickers individually affixed on product shall be such as, when removed, neither to leave visible traces of glue, nor to lead to skin defects.

([1]) OJ L 7, 11.1.2003, p. 65.

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VI. PROVISIONS CONCERNING MARKING

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

▼M5

A. **Identification**

The name and the address of the packer and/or the dispatcher

This mention may be replaced:

— for all packages with the exception of pre-packages, by the officially issued or accepted code mark representing the packer and/or the dispatcher, indicated in close connection with the reference 'Packer and/or Dispatcher' (or equivalent abbreviations),

— for pre-packages only, by the name and the address of a seller established within the Community indicated in close connection with the mention 'Packed for:' or an equivalent mention. In this case, the labelling shall also include a code representing the packer and/or the dispatcher. The seller shall give all information deemed necessary by the inspection body as to the meaning of this code.

▼M2

B. **Nature of produce**

If the contents are not visible from the outside:

— 'Sweet peppers',

— colour,

— commercial type ('elongated', 'square blunt', 'square tapering', 'flat') or name of the variety.

In the case of packages or consumer packages containing a mixture of different colours and/or commercial types of sweet pepper:

— 'Mixed peppers', or equivalent denomination,

— if the contents are not visible from the outside, colours and/or commercial types of the sweet peppers and number of pieces of each of the colours and/or commercial types concerned.

C. **Origin of produce**

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

In the case of consumer packages containing a mixture of sweet peppers of different colours and/or commercial types of different origins, the indication of each country of origin shall appear next to the name of the colour and/or commercial type concerned.

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D. **Commercial specifications**

— Class

— Size (if sized) expressed as minimum and maximum diameters or the mark 'unsized' where appropriate

▼M2

— Where appropriate, 'Mini peppers', 'Baby peppers', or other appropriate term for miniature produce. Where several types of miniature produce are mixed in the same package, all products and their respective origins must be mentioned.

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E. **Official control mark (optional)**

▼M5

Packages need not to bear the particulars mentioned in the first subparagraph, when they contain sales packages, clearly visible from the outside, and all bearing these particulars. These packages shall be free from any indications such as could mislead. When these packages are palletised, the particulars shall be given on a notice placed in an obvious position on at least two sides of the pallet.