COMMISSION REGULATION (EC) No 1862/2004

of 26 October 2004

laying down the marketing standard applicable to watermelons

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], and in particular Article 2(2) thereof,

Whereas:

(1) Watermelons are among the products listed in Annex I to Regulation (EC) No 2200/96 for which standards must be adopted. Commission Regulation (EC) No 1093/97 of 16 June 1997 laying down marketing standards applicable to watermelons [2], has been amended several times. For the sake of clarity, Regulation (EC) No 1093/97 should therefore be repealed and replaced, as from 1 January 2005, by a new Regulation.

(2) To that end, and in the interest of preserving transparency on the world market, account should be taken of the UN/ECE standard FFV-37 concerning marketing and quality control of watermelons recommended by the Working party on agricultural quality standards of the United Nations Economic Commission for Europe (UN/ECE) as well as its recent amendments.

(3) Application of the new standards should remove products of unsatisfactory quality from the market, bring production into line with consumer requirements and facilitate trade based on fair competition, thereby helping to improve profitability.

(4) The standards are applicable at all marketing stages. Long-distance transport, storage over a certain period and the various processes the products undergo may cause some degree of deterioration owing to the biological development of the products or their perishable nature. Account should be taken of such deterioration when applying the standard at the marketing stages following dispatch.

(5) 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 standards applicable to watermelons falling within CN code 0807 11 shall be as set out in the Annex.

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

However, at stages following dispatch, products may show, in relation to the requirements of the standard:

(a) a slight lack of freshness and turgidity;

(b) slight deterioration due their development and their tendency to perish.

Article 2

Regulation (EC) No 1093/97 is repealed.

Article 3

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply as from 1 January 2005.

[1] OJ L 297, 21.11.1996, p. 1. Regulation as last amended by Commission Regulation (EC) No 47/2003 (OJ L 7, 11.1.2003, p. 64).

[2] OJ L 158, 17.6.1997, p. 21. Regulation as last amended by Regulation (EC) No 907/2004 (OJ L 163, 30.4.2004, p. 50).

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

Done at Brussels, 26 October 2004.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

STANDARD FOR WATERMELONS

I. DEFINITION OF PRODUCE

This standard applies to watermelons of varieties (cultivars) grown from *Citrullus lanatus (Thunb.) Matsum. Et Nakaih.* to be supplied fresh to the consumer, watermelons for industrial processing being excluded.

II. PROVISIONS CONCERNING QUALITY

The purpose of the standard is to define the quality requirements of watermelons, after preparation and packaging.

A. **Minimum quality requirements**

In all classes, subject to the special provisions for each class and the tolerances allowed, watermelons 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,

— practically free from pests,

— practically free from damage caused by pests,

— firm and sufficiently ripe; the colour and taste of the flesh should conform to a sufficient state of ripeness,

— not split,

— free of abnormal external moisture,

— free of any foreign smell and/or taste.

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

— to withstand transport and handling, and

— to arrive in satisfactory condition at the place of destination.

B. **Minimum maturity requirements**

The watermelons must be sufficiently developed and display satisfactory ripeness. The refractometric index of the pulp measured at the middle point of the fruit flesh at the equatorial section must be greater than or equal to 8° Brix.

C. **Classification**

Watermelons are classified in two classes defined below.

(i) Class I

Watermelons in this class must be of good quality. They must be characteristic of the variety.

The following slight defects, however, may be allowed provided these do not affect the general appearance of the produce, the quality, the keeping quality and presentation in the package:

— a slight defect in shape,

— a slight defect in colouring of the rind; a pale colouring of the watermelon which has been in contact with the ground during the period of growth is not regarded as a defect,

— slight healed superficial cracks,

— slight skin defects due to rubbing or handling of which the total area affected must not exceed one-sixteenth of the surface of the fruit.

The stem of the watermelon must not exceed 5 cm in length.

(ii) Class II

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

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

— defects in shape,

— healed superficial cracks,

— defects in colouring of the rind; a pale colouring of the watermelon which has been in contact with the ground during the period of growth is not regarded as a defect,

— slight bruising,

— skin defects due to rubbing or handling or to damage by pests or diseases of which the total area affected must not exceed one-eighth of the surface of the fruit.

III. PROVISIONS CONCERNING SIZING

Size is determined by the weight per unit. The minimum weight is fixed at 1 kg.

When watermelons are presented in packages, the difference in weight between the lightest and the heaviest unit in the same package should not exceed 2 kg, or 3,5 kg if the lightest unit weighs 6 kg or more.

This relative uniformity of weight is not compulsory for watermelons presented in bulk.

IV. PROVISIONS CONCERNING TOLERANCES

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

A. **Quality tolerances**

(i) Class I

10 % by number or weight of watermelons 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 watermelons 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**

For all classes: 10 % by number or weight of watermelons not conforming to the size indicated, but no more than 1 kg above or below the size range specified.

The tolerance may in no case extend to fruit weighing less than 800 g.

V. PROVISIONS CONCERNING PRESENTATION

A. **Uniformity**

The contents of each package, or lot for produce presented in bulk, must be uniform and contain only watermelons of the same origin, variety and quality.

The visible part of the contents of the package, or lot for produce presented in bulk, must be representative of the entire contents.

In addition, in Class I, the shape and colour of the rind of the watermelons must be uniform.

Notwithstanding the preceding provisions in this point, products covered by this Regulation may be mixed, in sales packages 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].

B. **Packaging**

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

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

Packages, or lots for produce presented in bulk, must be free of all foreign matter.

Watermelons transported in bulk must be separated from the floor and walls of the vehicles by a suitable protective material, which must be new and clean and not liable to transfer any abnormal taste or smell to the fruit.

C. **Presentation**

The watermelons may be presented:

— in packages including bulk bins,

— in bulk (direct loading into a transport vehicle)

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.

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.

For watermelons transported in bulk (direct loading into a transport vehicle) these particulars must appear on a document accompanying the goods, and attached in a visible position inside the transport vehicle.

For this type of presentation the indication of the size is not compulsory.

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.

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

B. **Nature of produce**

— 'Watermelons' if the contents are not visible from the outside,

— name of the variety (optional),

— colour of flesh if not red,

— seedless, where appropriate [1].

C. **Origin of produce**

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

D. **Commercial specifications**

— Class,

— size (if sized) expressed in minimum and maximum weight,

— number of units (optional),

— net weight (optional).

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

[1] Seedless watermelons may contain underdeveloped seeds and occasional developed seeds.