

# MINISTRY OF AGRICULTURE AND FORESTRY

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## ORDINANCE № 9

OF 26 MARCH 2002

### **on the requirements for quality and checks on conformity of fresh fruit and vegetables**

(Issued by the Minister of Agriculture and Forestry, published in State Gazette, N 42 of 24.04.2002, amended in State Gazette, N 111 of 21.12.2004)

#### **Chapter One**

#### **GENERAL PROVISIONS**

**Article 1. (1)** This Ordinance lays down the requirements for quality and checks on conformity of the stated quality of fresh fruit and vegetables.

**Article 2. (1)** Ministry of Agriculture and Forestry (MAF) shall carry out checks on conformity of the stated quality by the regional inspectors in the regional directorates "Agriculture and Forestry" and organise their training.

**(2)** (amend. – SG, N 111 of 2004) The regional inspectors of the Ministry shall carry out checks referred to in paragraph (1) in the territory of the relevant region. During the execution of their official duties they shall establish their identity by official identity cards, issued by the Minister of Agriculture and Forestry.

**(3)** Traders must ensure that the regional inspectors have access to the places where production, conservation, marketing, import and export of fresh fruit and vegetables is carried out as well as to vehicles transporting fruit and vegetables intended for marketing.

**(4)** Traders must provide the regional inspectors with all information and documents necessary for conformity assessment of the lots to be checked.

**Article 3. (1)** The lots of fresh fruit and vegetables referred to in Annex 1 shall be subject to conformity checks.

**(2)** Checks shall be carried out at all stages of the marketing of fresh fruit and vegetables after they have been qualified.

#### **Chapter Two**

#### **DATABASE ON TRADERS IN FRESH FRUIT AND VEGETABLES AND RISK ANALYSIS**

**Article 4. (1)** The Ministry of Agriculture and Forestry shall set up and update a database on traders in fresh fruit and vegetables included in Annex 1.

**(2)** Data on carriers and traders who sell fruit and vegetables at the retail stage up to 500 kg per month shall not be collected.

**Article 5. (1)** In the Ministry of Agriculture and Forestry the following data for traders referred to in Article 4, paragraph 1, shall be collected and kept:

1. the name of the trader;
2. head office and business address;
3. types of fruit and vegetables which are marketed by the trader;
4. region/regions in which the trader markets fruit and vegetables;
5. position in the marketing chain - producer, wholesaler or retailer;
6. average annual volume of the marketed production;
7. ascertained infringements referred to in Article 21.

(2) The data as referred to in paragraph 1 shall be updated using the information received by the regional inspectors.

**Article 6. (1)** The traders in fresh fruit and vegetables must upon request of the inspection bodies provide them with information on the data as referred to in Article 5, paragraph 1, points 1-6.

(2) (amend. – SG, N 111 of 2004) The foreign natural or legal persons must upon request of the inspection bodies provide them with the information referred to in paragraph 1, on fruit and vegetables which are marketed by them in the territory of the country.

**Article 7. (1)** The Ministry of Agriculture and Forestry shall carry out a risk analysis of traders referred to in Article 4, paragraph 1 marketed fruit and vegetables not in conformity with the quality requirements.

(2) The risk analysis shall relate to the findings made during previous products conformity checks, sales turnover of the trader and his position in the marketing chain.

(3) The Ministry of Agriculture and Forestry shall specify the frequency of checks, based on the risk analysis, for each category of trader. The frequency of checks of traders who prepare and pack fresh fruit and vegetables shall be increased.

### **Chapter Three**

#### **GRADING OF FRESH FRUIT AND VEGETABLES**

**Article 8.** Fruit and vegetables intended for marketing shall be graded by the contracting parties according to the quality requirements referred to in Annex 2.

**Article 9.** The contracting parties shall enter in an acceptance protocol the quality class and the country of origin of the fruit and vegetables and, when they are intended for processing, their destination.

### **Chapter Four**

#### **CONFORMITY CHECKS**

**Article 10. (1)** Checks on conformity shall be carried out by means of bulk samples and their assessment.

(2) The bulk sample shall be taken at random from different packages or parts of the lot to be controlled and shall be considered as representative of the whole lot. The minimum size of the bulk sample is specified in Annex 3.

(3) The damaged packages shall not be included in the lot when a bulk sample is prepared. They shall be set-aside from the good packages and might be subject to a separate conformity check.

(4) Samples shall be taken separately from each lot. Where consignment consists of several lots, the inspector shall check the identification of each of them according to the accompanying documents. Where the separate lots of one trader may not be distinct, the lots within one consignment shall be accepted as one lot if they are uniform with regard to the assessed indicators - type (nature) of the product, variety of the product, country of origin and quality class.

**Article 11. (1)** The sample shall be taken in the presence of the trader or his authorised representative.

(2) The trader or his authorised representative shall provide the inspector with the required samples and all information necessary for carrying out the inspection for identification of the lot.

(3) The inspector shall indicate which lots and packages in the lot are to be controlled and in case of bulk product points in the lot from which the sample should be taken. The lot shall be prepared in such manner that ensures the sample to be taken without hindrance and delay.

**Article 12.** The rules referred to in Article 10 and Article 11 shall not be applied to checks on conformity of fruit and vegetables at retail sale for fresh consumption.

**Article 13.** The trader or his authorised representative shall provide the inspector with all information, which includes identification of the product and information on the place and period within which the lot(s) shall be dispatched as well as its destination.

**Article 14. (1)** The lots shall be identified according to their markings. Where the consignment consists of several lots the inspector shall carry out checks on conformity of the presented lots with documents accompanying the consignment.

(2) The consignments shall be identified according to the accompanying documents and declarations. Where the consignment has been loaded onto a means of transport, the registration number of the latter shall be used for its identification.

**Article 15. (1)** Checks on conformity shall be carried out by comparing the indicators of the sample taken to the quality class stated in the document accompanying the lot according to the quality requirements referred to in Annex 2.

**(2)** During the conformity checks the appearance, accuracy of marking and packaging of the fruit and vegetables, their size and the uniformity of the lot shall be ascertained according to the quality requirements referred to in Annex 2.

**Article 16.** The product to be controlled has to be removed entirely from its packaging unless the type and the form of packaging allow a check without the product being unpacked.

**Article 17.** During a check on internal defects the inspector shall use reduced samples whose size shall be restricted to the minimum quantity absolutely necessary for the assessment of the lot if operations carried out during the check influence the quality of the sample. The size of the reduced sample shall not exceed 10 % of the size of the bulk sample initially taken for inspection.

**Article 18.** Where the inspector discovers, on the basis of the check, that the conformity cannot be assessed, he may carry out another inspection and express the overall result as an average of the two checks.

**Article 19.** Where during the conformity checks defects of the production are detected, the inspector must indicate their percentage depending on the number or weight of the defective production.

**Article 20. (1)** Where the quality of the lot complies with the quality stated in the accompanying document, the inspector shall issue a certificate as set out in Annex 4. For the lots of fresh fruit and vegetables intended for processing a certificate shall be issued as set out in Annex 5.

**(2)** Where fruit and vegetables with an issued certificate shall be divided into several lots, the inspector shall issue a certificate for each lot on the basis of that certificate.

**(3)** Where the inspections are carried out after dispatching of the lots, the inspector shall take into account the fact that during the movement of the fruit and vegetables their turgor may be injured, except for products of class "Extra".

**Article 21. (1)** Where the quality of the lot does not conform with the quality stated in the accompanying document, the inspector shall not allow the lot to be placed on the market. He shall inform, in writing, the trader or his representative on the ascertained non-conformity including the percentage of the production found not to be in conformity with the stated quality and shall issue a protocol of non-conformity (protocol for findings) as set out in Annex 6.

(2) A lot for which a protocol of non-conformity referred to in paragraph 1 has been issued shall be transported or moved by a permission of the inspector that issued that protocol in compliance with the prescriptions of the latter.

(3) Once the announcement has been received, the trader or the his authorized representative may remove the defective production. In this case the certificate of conformity shall be issued after a check certifying that the defects have been removed.

(4) If the product may be brought into conformity by a change in the marked quality class, the inspector shall inform the trader or his representative about it. In this case the certificate of conformity shall be issued after a check of the marking.

(5) Where the lot or its marking have not been changed as laid down in paragraph 3 or paragraph 4, the trader or his representative may:

1. direct it to industrial processing;
2. used it for animal feed.

(6) In case of non-respecting of the prescriptions of the inspection body referred to in paragraph 1, a fine or property sanction referred to in Article 41a of the Law on Plants Protection shall be imposed on the offender.

**Article 22. (1)** After the control, the bulk sample is put at the disposal of the trader or his representative.

(2) The competent body is not bound to hand back the elements of the bulk sample destroyed during the control.

**Article 23.** Fruit and vegetables intended for fresh consumption and for realisation on the internal market shall be subject to conformity checks in the place of packing and loading, at the points of grading and in the places of retail and wholesale trade.

**Article 24. (1)** (amend. – SG, N 111 of 2004) Fruit and vegetables of local production intended for processing in the country shall not be subject to conformity checks.

(2) For fruit and vegetables intended for processing outside of the country a certificate of industrial use shall be issued in accordance with Annex 5. The inspector, who controls the export, shall send a copy of that certificate to the competent body of the importing country.

(3) Imported fruit and vegetables intended for processing shall be accompanied by a certificate of industrial use in accordance with Annex 5. The inspector, who controls the import, shall send a copy of that certificate to the regional inspector at the point of the processing.

**(4)** (amend. – SG, N 111 of 2004) After the imported fruit and vegetables have been processed, the processor shall return the certificate to the regional inspector where processing is to take place and shall write into it that the products have actually been processed.

**(5)** Fruit and vegetables referred to in paragraph 1 shall be used only for processing.

## **Chapter Five**

### **PACKAGING AND MARKING OF FRESH FRUIT AND VEGETABLES**

**Article 25.** Where fruit and vegetables are packed materials used inside the packages must be clean and shall protect the product against external and internal damages. Materials, paper or labels bearing trade specifications shall be used only if at their printing or labelling toxic ink or glue has not been used.

**Article 25a.** (new – SG, N 111 of 2004) **(1)** Mixes of different types of fruit and vegetables may be packed in sales packages provided that:

- 1) the sales packages are of a net weight of three kilograms or less;
- 2) the products are of uniform quality class in accordance with Annex 2 or Annex 2a;
- 3) such type of packing does not mislead the consumer.

**(2)** The marking on sales packages as referred to in paragraph 1 or on each package containing them shall show at least the following details:

1. packer and/or dispatcher – name and address or code mark. Where a code mark is used, the reference “packer and/or dispatcher” (or equivalent abbreviations) must be indicated close to the code mark.

2. name of each of the products contained in the package;

3. name of the variety or of the commercial type for each product contained in the mix for which the quality requirements in accordance to Annex 2 requests it for non-mixed products;

4. country of origin of each of the products concerned, the marking of the country of origin must be indicated next to the name of the products concerned;

5. quality class.

**Article 26. (1)** The packaging of the fruit and vegetables at all stages of their marketing shall be marked with regard to:

1. nature of the product - variety and method of production (greenhouse, field);
2. quality of the product - class according to the requirements referred to in Annex 2;
3. origin of the product - a country and/or region of production;

4. quantity of the product - total weight (gross weight/net weight), pieces;
5. packer - name and address.

(2) The packaging of fruit and vegetables intended for processing shall be marked by the words "intended for processing".

**Article 27. (1)** (amend. – SG, N 111 of 2004) The packed fruit and vegetables shall be marked by a legible and indelible label firmly affixed to the one of the external sides of the packaging and the marking shall be directly put on the same packages.

(2) In case of goods shipped in bulk, the particulars referred to in Article 26 shall be given in the documents accompanying the goods or shown on a notice placed in an obvious position inside the means of transport.

**Article 28.** The seller must offer his goods in suitable individual packages on which the particulars referred to in Article 26 shall be marked. If these particulars may not be marked on the packaging, the seller must put a plate on which the particulars referred to in Article 26 shall be clearly noted.

## **Chapter Six**

### **CONFORMITY CHECKS AT THE POINTS OF EXPORT AND IMPORT**

**Article 29. (1)** All lots of fresh fruit and vegetables intended for export or from import shall be subject to conformity checks.

(2) The exporter or importer must provide the inspector with all information necessary for organising and carrying out the checks.

(3) On the basis of the risk analysis as set out in Article 7, the inspectors may issue a written permission for import of lots of a weight less than 500 kg without undertaking conformity checks.

**Article 30. (1)** Where the quality of the lot complies with the stated quality in the accompanying document, the inspector shall issue a certificate of conformity to the exporter or importer in accordance with Article 20, paragraph 1.

(2) Where the consignment intended for export or from import consists of several lots, a common certificate shall be issued which lists all the lots constituting the consignment.

**Article 31.** A phyto-sanitary export certificate referred to in Article 33, paragraph 1 of the Law on Plants Protection shall be issued after the trader has submitted a certificate referred to in Article 20, paragraph 1.

**Article 32.** The inspectors of the National Plants Protection Service shall give a written permission for import of fresh fruit and vegetables pursuant to Article 26 of the Plant Protection Act after the trader has submitted a certificate of conformity referred to in Article

20, paragraph 1 or a certificate of conformity issued in an Member State of the European Union.

### **SUPPLEMENTARY PROVISION**

**§ 1.** For the purposes of this Ordinance:

1. “Conformity check” shall mean material and legal actions carried out by authorised persons in order to check if the stated quality complies with the quality requirements for fruit and vegetables according to Annex 1.

2. “Trader” shall mean any natural or legal person, who offers on the market or sells by another way, at his own or someone else's expense, fresh fruit and vegetables included in the list referred to in Annex 1.

3. “Identification” shall mean a check of ascertaining the conformity of the lot and the accompanying documents.

4. “Consignment” shall mean the total quantity of products to be sold by a given trader found at the time of control and defined by a document. The consignment may consist of one or several types of products and may contain one or several lots.

5. “Sampling” shall mean the process of taking of defined quantity from the lot in order a conformity check to be carried out.

6. “Lot” shall mean the quantity of products presented as uniform with regard to the country of origin, packer, nature of product, quality class, variety, packaging and marking.

7. “Fruit and vegetables intended for processing” shall mean fresh fruit and vegetables, qualified for processing, which are transported to the processing plants.

8. “Bulk sample” shall mean a sample taken at random from different packages or parts of the lot to be controlled whose quantity is sufficient for conformity checks and is considered as representative for the whole lot.

9. “Reduced sample” shall mean a representative quantity of the product taken from the bulk sample whose quantity is sufficient to allow the assessment of the lot with regard to certain criteria.

10. “Packs” shall mean sacks, trays and other types of packages in the lot.

### **TRANSITIONAL AND FINAL PROVISIONS**

**§ 2.** This Ordinance shall repeal the Ordinance No. 33 of 1998 (SG, N 154 of 28.12.1998) on grading, buying-in and conformity checks of fresh fruit and vegetables.

**§ 3.** This Ordinance is issued on the strength of Article 13b, paragraph 2 of the Plant Protection Act.

**§ 4.** The implementation of this Ordinance is assigned to the Minister of Agriculture and Forestry.

## **Annex 1**

(as referred to in article 3 (amend. – SG, N 111 of 2004))

### **List of fruit and vegetables subject to conformity checks**

#### **A. Vegetables**

1. Artichokes
2. Asparagus
3. Broccoli
4. Brussels Sprouts
5. Headed Cabbages
6. Green peas
7. Tomatoes
8. Green beans (Phaseolus)
9. Onions
10. Early potatoes
11. Ware potatoes
12. Cucumbers
13. Cultivated mushrooms
14. Carrots
15. Aubergines
16. Leeks
17. Lettuces, curled-leaved endives and broad-leaved (batavian) endives
18. Sweet peppers
19. Spinach
20. Courgettes
21. Cauliflower
22. Ribbed celery
23. Witloof chicory
24. Garlic

#### **B. Fruit**

1. Sweet almonds (unshelled)
  2. Sweet almonds (decorticated)
  3. Blubberies
  4. Sour cherries
  5. Water-melons
  6. Apricots
  7. Kiwi
  8. Pears
  9. Hazelnuts inshell
  10. Hazelnut kernels
  11. Raspberries
  12. Walnuts inshell
  13. Walnut kernels
  14. Peaches and nectarines
  15. Melons
  16. Plums
  17. Table grapes
  18. Citrus fruit
  19. Sweet cherries
  20. Apples
  21. Strawberries
  22. Bananas\_\_\_\_\_
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**Annex 2**  
(as referred to in article 8 (amend. – SG, N 111 of 2004))

**Marketing standards for fruit and vegetables as referred to in Annex 1\***

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**Annex 2a**  
(as referred to in article 25a, paragraph 2 (new – SG, N 111 of 2004))

**Quality conditions to be satisfied by each product for which there is no quality requirement pursuant to Annex 2**

**Minimum quality requirements**

In all classes, and bearing in mind the permitted tolerances (see below), the products must be:

- intact,
- sound; products affected by rotting or deterioration such as to make them unfit for consumption are excluded,
- clean, practically free of any visible foreign matter,
- practically free from pests,
- practically free from damage caused by pests,
- free of abnormal external moisture,
- free of any foreign smell and/or taste.

**“Extra” class**

Products in this class must be of superior quality. They must be characteristic of the variety and/or commercial type.

Products must be free from defects, with the exception of very slight superficial defects, provided these do not affect the general appearance of the product, its quality, keeping quality and presentation in the package.

**Class I**

Products in this class must be of good quality. They must be characteristic of the variety and/or commercial type.

Slight defects may be allowed provided that they do not affect the general appearance of the product, its quality, keeping quality and presentation in the package.

**Class II**

This class includes products which do not qualify for inclusion in the higher classes but satisfy the minimum requirements required above.

They may present defects, provided they retain their essential characteristics as regards quality, keeping quality and presentation.

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\* **Note: full compliance with the relevant EU marketing standards and UNECE quality standards.**

### Quality tolerances

Quality tolerances shall be allowed in each package for products not satisfying the requirements of the class indicated.

- class "Extra"

5 % by number or weight of products not satisfying the requirements of the class, but meeting those of Class I or, exceptionally, coming within the tolerances of that class.

- Class I

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

- Class II

10 % by number or weight of products not satisfying the requirements of the class, nor the minimum requirements, with the exception of products affected by rotting or any other deterioration rendering them unfit for consumption.

### Uniformity

The products must be of the same origin, variety or commercial class and quality.

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## Annex 3 as referred to in article 10, paragraph 2

### I. Packed produce

Number of packages in the lot	Number of packages to be taken (primary samples)
Up to 100	5
From 101 to 300	7
From 301 to 500	9
From 501 to 1000	10
More than 1000	15 (minimum)

### II. Bulk produce

Quantity of lot in kg or bundles in the lot	Quantity of primary samples in kg or number of bundles
Up to 200	10
From 201 to 500	20
From 501 to 1000	30
From 1001 to 5000	60
More than 5000	100 (minimum)

In the case of bulky fruit and vegetables (over 2 kg per unit), the primary samples should be made up of at least five units.

**Annex 4**  
(as referred to in Article 20, paragraph 1)

1. Trader	<b>Certificate of conformity</b> N .....		
	This certificate is issued as provided by article 20, paragraph 1 of Ordinance N 9/2002 on the requirements for quality and checks on conformity of fresh fruit and vegetables (SG, N 42/2002 ) This certificate is exclusively for the use of inspection bodies		
2. Packer identified on packaging (if other than trader)	3. Inspection body		
	4. Place of inspection/ country of origin <sup>(1)</sup>	5. Region or country of destination	
6. Identifier of means of transport	7. Destination check: <input type="checkbox"/> Internal <input type="checkbox"/> Import <input type="checkbox"/> Export		
8. Packages (number and type)	8. Type of product (variety if the standard specifies)	10. Quality of product, quality class	11. Total weight in kg gross/net <sup>(2)</sup>
12. The abovementioned inspection body certifies, that the above goods correspond at the time of inspection to the quality standards referred to in Annex 2 of Ordinance N 9/2002 on the requirements for quality and checks on conformity of fresh fruit and vegetables in force.			
..... Customs office foreseen: entry/exit <sup>(2)</sup>		..... Place and date of issue	
Period of validity: ..... days (write in words)			
Inspector: ..... (name in block letters)	..... Signature		Inspection stamp
13. Comments:			

<sup>(1)</sup> Where the goods are being re-exported, indicate their origin in box 9.

<sup>(2)</sup> Delete as appropriate.



**Annex 6**  
(as referred to in Article 21, paragraph 1)

**MINISTRY OF AGRICULTURE AND FORESTRY**  
PLANT-GROWING AND QUALITY CONTROL OF FRESH FRUIT AND VEGETABLES DIRECTORATE  
BULGARIA, SOFIA 1040, HRISTO BOTEV BLVD. № 55

Inspection body.....

(name, address and phone number)

Recipient: company.....

(name, address, phone number, fax number)

Trader: importer/exporter/wholesaler/retailer/producer  
(delete as appropriate)

**PROTOCOL OF NON-CONFORMITY №.....**

This protocol is issued as provided by article 21, paragraph 1 of Ordinance N 9/2002 on the requirements for quality and checks on conformity of fresh fruit and vegetables (SG, N 42/2002, amend. SG, N 111 of 21.12.2004)

Nature of product..... Country of origin.....

Variety..... Country of destination.....

Quantity/type of packages.....

Indicated quality class:.....

Quality class at the time of inspection.....

Weight in kg gross/net.....

Other identifications:.....

Accompanying documents.....

**Under the conformity check carried out it is found that the sample taken from the lot indicates the following defects:**

01 Blemishes and damages.....%       04 Sizing..... %       08 Maturity.....%

02 Damages due to diseases       05 Shape..... %       09 Presentation.....%

and rots.....%       06 Cleanliness..... %       10 Labelling.....%

03 Physiological defects.....%       07 Colour..... %

**Поради това партидата не съответства на изискванията за качество на.....**

**Препоръки на инспектора:**  1 Regrading       2 Repackaging       3 Relabelling       4 Downgrading

**Prescriptions:**     1 For industrial processing       2 For animal feed

**The specified lot is unfit for:**     1 import       2 export       3 sale

In case of goods destined, without a written permit issued from the "Plant Growing and Quality Control of Fresh Fruit and Vegetables" Directorate, to be marketed on the internal market the trader shall assume administrative and penal responsibility as referred to in Article 41a of Plant Protection Act.

Place and date of issue

Inspector

Signature

Stamp

.....  
Name of trader or his authorized representative

.....  
Signature

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