

COMMISSION REGULATION (EEC) No 2785/80

of 30 October 1980

**introducing detailed rules for implementing Regulation (EEC) No 2967/76
laying down common standards for the water content of frozen and deep-frozen
chickens, hens and cocks**

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
2777/75 of 29 October 1975 on the common organiza-
tion of the market in poultrymeat⁽¹⁾, as amended by
Regulation (EEC) No 369/76⁽²⁾,

Having regard to Council Regulation (EEC) No
2967/76 of 23 November 1976 laying down common
standards for the water content of frozen and deep-
frozen chickens, hens and cocks⁽³⁾, as last amended
by Regulation (EEC) No 2632/80⁽⁴⁾, and in particular
Article 7 (b) thereof,

Whereas at this stage the common standards for the
water content of frozen and deep-frozen chickens,
hens and cocks should not be applied to products
exported from the Community;

Whereas the first subparagraph of Article 1 (1) and
Article 5 of Regulation (EEC) No 2967/76 provide
that chickens, hens and cocks deemed not to comply
with that Regulation may not be marketed as such or
without an appropriate description on the packaging;
whereas practical rules must in consequence be drawn
up concerning the labelling of the individual and bulk
packaging according to destination, in order to facili-
tate control and prevent the goods being diverted
from their destination;

Whereas a special mark should be applied to
chickens, hens and cocks treated with polyphosphates
and covered by the exemption in the second subpara-
graph of Article 1 (1) of Regulation (EEC) No
2967/76; whereas, moreover, provisions should be
adopted governing the descriptions required by Regu-
lation (EEC) No 2967/76 with a view, in particular, to
facilitating control and ensuring uniform implementa-
tion of that Regulation;

Whereas a reasonable period must be laid down for
the transmission of the statistical data to the Commis-
sion as provided for under the third paragraph of
Article 8 of Regulation (EEC) No 2967/76;

Whereas Article 3 of Regulation (EEC) No 2967/76
provides that Member States shall adopt practical
measures for checking the water content of frozen and
deep-frozen chickens, hens and cocks; whereas in
order to ensure uniform application of that Regula-
tion, provision should be made for informing the
Commission and the other Member States of the
measures adopted;

Whereas it is for each Member State to lay down
penalties for infringements;

Whereas the Management Committee for Poultrymeat
and Eggs has not delivered an opinion within the
time limit set by its chairman,

HAS ADOPTED THIS REGULATION :

Article 1

1. The checks on the water content referred to in
Article 1 of Regulation (EEC) No 2967/76 shall be
carried out on frozen and deep-frozen chickens, hens
and cocks marketed within the Community, with the
exception of those in respect of which proof is
provided, to the satisfaction of the competent
authority, that they are intended exclusively for
export.

2. Before carrying out checks, the person desig-
nated for that purpose shall determine the quantity of
poultry carcasses to be subjected to control, which for
the purposes of this Regulation shall be referred to as
a 'batch'. Each batch shall consist of poultry of the
same type (either all chickens or all hens and/or
cocks), situated in one place (such as a slaughterhouse,
cold store, place of sale or means of transport), origi-
nating from the same slaughterhouse and having the
same presentation (either all marketed with offal or all
marketed without offal), a distinction being made
between carcasses bearing the description 'dry chilled
poultry' and others.

3. Decisions taken following checks shall apply to
the entire batch inspected.

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 77.

⁽²⁾ OJ No L 45, 21. 2. 1976, p. 3.

⁽³⁾ OJ No L 339, 8. 12. 1976, p. 1.

⁽⁴⁾ OJ No L 270, 15. 10. 1980, p. 14.

Article 2

1. After inspection and, if necessary, counter-analysis, bulk packaging containing poultry carcasses from the batch considered not to comply with Regulation (EEC) No 2967/76 shall be marked, by the holder under the supervision of the competent authority, with a tape or label bearing at least one of the following forms of wording:

‘WATER CONTENT EXCEEDS EEC LIMIT’
 ‘VANDINDHOLD OVERSTIGER EØF-NORM’
 ‘WASSERGEHALT ÜBER DEM EWG-HÖCHSTWERT’
 ‘ΠΕΡΙΕΚΤΙΚΟΤΗΤΑ ΣΕ ΝΕΡΟ ΑΝΩΤΕΡΗ ΤΟΥ ΟΠΙΟΥ ΕΟΚ’
 ‘TENEUR EN EAU SUPERIEURE À LA LIMITE CEE’
 ‘TENORE D’ACQUA SUPERIORE AL LIMITE CEE’
 ‘WATERGEHALTE HOGER DAN HET EEG-MAXIMUM’

2. However, if it is certified to the competent authority that the carcasses referred to in paragraph 1 are to be exported, the form of wording provided for in paragraph 1 shall not be affixed. The competent authority shall take all necessary measures to prevent the batch in question from being marketed within the Community.

3. If the carcasses referred to in paragraph 1 are intended for retail sale, the individual packages shall be marked under the supervision of the competent authority with the form of wording provided for in paragraph 1.

4. The carcasses referred to in paragraph 1 shall remain under the supervision of the competent authority until they are dealt with in accordance with Article 5 of Regulation (EEC) No 2967/76.

Article 3

Frozen and deep-frozen chickens, hens and cocks covered by the transitional exemption provided for in the second subparagraph of Article 1 (1) of Regulation (EEC) No 2967/76 shall be marked with at least one of the following forms of wording on individual and bulk packaging:

‘CONTAINS POLYPHOSPHATE SOLUTION’
 ‘INDEHOLDER POLYPHOSPHATOPLØSNING’
 ‘ENTHÄLT POLYPHOSPHATLÖSUNG’
 ‘ΠΕΡΙΕΧΕΙ ΔΙΑΛΥΜΑ ΠΟΛΥΦΩΣΦΟΡΙΚΩΝ’
 ‘CONTIENT UNE SOLUTION DE POLYPHOSPHATE’

‘CONTIENE UNA SOLUZIONE DI POLIFOSFATI’
 ‘BEVAT EEN OPLOSSING VAN POLYFOSFATEN’

Article 4

The forms of wording provided for in the third subparagraph of Article 1 (1) of Regulation (EEC) No 2967/76 and in Articles 2 and 3 of this Regulation shall be marked in a conspicuous place in such a way as to be easily visible, clearly legible and indelible. They shall not in any way be hidden, obscured or interrupted by other written or pictorial matter.

Such forms of wording shall be affixed in the language or languages of the Member State in which retailing or any other use takes place.

Letters shall be at least 3 mm high on the individual packaging and 8 mm on bulk packaging.

Article 5

The Member States shall submit to the Commission, not later than 31 July 1981 and the 31 October 1981 a statistical report on the checks carried out by designated bodies or services or under their authority during the preceding three months.

Article 6

Member States shall take all appropriate measures to impose penalties for any infringement of Regulation (EEC) No 2967/76.

Article 7

Each Member State shall inform the other Member States and the Commission before 1 March 1981 of

- the practical control methods adopted pursuant to Article 3 (2) of Regulation (EEC) No 2967/76, and
- the measures adopted pursuant to Article 6.

Any relevant changes shall be communicated immediately to the other Member States and to the Commission.

Article 8

This Regulation shall apply with effect from 1 April 1981 as regards Articles 1 to 6.

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

Done at Brussels, 30 October 1980.

For the Commission

Finn GUNDELACH

Vice-President
