

Commission Regulation (EEC) No 1538/91 of 5 June 1991
introducing detailed rules for implementing Regulation (EEC) No
1906/90 on certain marketing standards for poultrymeat (repealed)

Article 1

The products referred to in Article 1 (2) of Regulation (EEC) No 1906/90 are hereby defined as follows:

1. **Poultry carcasses**

- (a) DOMESTIC FOWL (*Gallus domesticus*)
- chicken, broiler: fowl in which the tip of the sternum is flexible (not ossified),
 - cock, hen, casserole or boiling fowl: fowl in which the tip of the sternum is rigid (ossified),
 - [^{F1}capon: male fowl castrated surgically before reaching sexual maturity and slaughtered at a minimum age of 140 days: after castration the capons must be fattened for at least 77 days,]
 - [^{F2}poussin, coquelet: chicken of less than 650 g carcass weight (expressed without giblets, head and feet), chicken of 650 g to 750 g may be called 'poussin' if the age at slaughter does not exceed 28 days. Member States may apply Article 11 for the checking of this slaughter age,]
 - [^{F3}young cock: male chicken of laying strains in which the tip of sternum is rigid but not completely ossified and for which the age at slaughter is at least 90 days,]
- (b) TURKEYS (*Meleagris gallopavo dom.*)
- (young) turkey: bird in which the tip of the sternum is flexible (not ossified),
 - turkey: bird in which the tip of the sternum is rigid (ossified);
- (c) [^{F2}DUCKS (*Anas platyrhynchos dom., cairina muschata*), Mulard ducks (c.m.x.a.p.),
- young duck or duckling, (young) Muscovy duck, (young) Mulard duck: bird in which the tip of the sternum is flexible (not ossified),
 - duck, Muscovy duck, Mulard duck: bird in which the tip of the sternum is rigid (ossified);]
- (d) GEESE (*Anser anser dom.*)
- (young) goose or gosling: bird in which the tip of the sternum is flexible (not ossified). The fat layer all over the carcass is thin or moderate; the fat of the young goose may have a colour indicative of a special diet,
 - goose: bird in which the tip of the sternum is rigid (ossified); a moderate to thick fat layer is present all over the carcass;
- (e) GUINEA FOWL (*Numida meleagris domesticus*)
- (young) guinea fowl: bird in which the tip of the sternum is flexible (not ossified),
 - guinea fowl: bird in which the tip of the sternum is rigid (ossified).

Status: Point in time view as at 30/07/2002.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EEC) No 1538/91 (repealed). (See end of Document for details)

For the purpose of this Regulation, variants of the above terms relating to sex shall be construed as equivalent.

2. Poultry cuts

- (a) Half: half of the carcase, obtained by a longitudinal cut in a plane along the sternum and the backbone;
- (b) [^{F2}Quarter: leg quarter or breast quarter, obtained by a transversal cut of a half;]
- (c) Unseparated leg quarters: both leg quarters united by a portion of the back, with or without the rump;
- (d) Breast: the sternum and the ribs, or part thereof, distributed on both sides of its, together with the surrounding musculature. The breast may be presented as a whole or a half;
- (e) Leg: the femur, tibia and fibula together with the surrounding musculature. The two cuts shall be made at the joints;
- (f) [^{F2}Chicken leg with a portion of the back: the weight of the back does not exceed 25 % of that of the whole cut;]
- (g) Thigh: the femur together with the surrounding musculature. The two cuts shall be made at the joints;
- (h) Drumstick: the tibia and fibula together with the surrounding musculature. The two cuts shall be made at the joints;
- (i) Wing: the humerus, radius, and ulna, together with the surrounding musculature. In the case of turkey wings, humerus or radius/ulna together with the surrounding musculature may be presented separately. The tip, including the carpal bones, may or may not have been removed. The cuts shall be made at the joints;
- (j) Unseparated wings: both wings united by a portion of the back, where the weight of the latter does not exceed 45 % of that of the whole cut;
- (k) Breast fillet: the whole or half of the breast deboned, i.e. without sternum and ribs. In the case of turkey breast, the fillet may comprise the deep pectoral muscle only;
- (l) Breast fillet with wishbone: the breast fillet without skin with the clavicle and the cartilagenous point of the sternum only, the weight of clavicle and cartilage not to exceed 3 % of that of the cut;
- (m) [^{F2}Magret, maigret: breast fillet of ducks and geese referred to in 3 comprising skin and sub-cutan fat covering the breast muscle, without the deep pectoral muscle^{F4};]
- (n) [^{F5}Deboned turkey leg meat: turkey thighs and/or drumsticks, deboned, i.e. without femur, tibia and fibula, whole, diced or cut into strips.]

For the products listed under (e), (g) and (h) the wording ‘cuts shall be made at the joints’ is to mean cuts made within the two lines delimiting the joints as shown in the graphical presentation in Annex Ia.]

Status: Point in time view as at 30/07/2002.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EEC) No 1538/91 (repealed). (See end of Document for details)

Until 31 December 1991, in the case of products listed under (e), (g) and (h) the two cuts may be made near the joints.

Products listed under (d) to (k) may be presented with or without skin. The absence of the skin in the case of products listed under (d) to (j) or the presence of the skin in the case of the product listed under (k) shall be mentioned on the labelling within the meaning of Article 1 (3) (a) of Council [^{F6}Directive 2000/13/EC]⁽¹⁾.

3. **Foie gras:**

the livers of geese, or of ducks of the species *cairina muschata* or *c.m.* × *Anas platyrachos* which have been fed in such a way as to produce hepatic fatty cellular hypertrophy.

The birds from which such livers are removed shall have been completely bled, and the livers be of a uniform colour.

The livers shall be of the following weight:

- [^{F7}duck livers shall weigh at least 300 g net,]
- goose livers shall weigh at least 400 g net.

Textual Amendments

- F1** Inserted by [Commission Regulation \(EC\) No 1000/96 of 4 June 1996](#).
- F2** Inserted by [Commission Regulation \(EEC\) No 2891/93 of 21 October 1993](#).
- F3** Inserted by [Commission Regulation \(EC\) No 1321/2002 of 22 July 2002 amending Regulation \(EEC\) No 1538/91 introducing detailed rules for implementing Council Regulation \(EEC\) No 1906/90 on certain marketing standards for poultrymeat](#).
- F4** Substituted by [Commission Regulation \(EC\) No 1072/2000 of 19 May 2000 amending Regulation \(EEC\) No 1538/91 introducing detailed rules for implementing Regulation \(EEC\) No 1906/90 on certain marketing standards for poultrymeat](#).
- F5** Inserted by [Commission Regulation \(EC\) No 1072/2000 of 19 May 2000 amending Regulation \(EEC\) No 1538/91 introducing detailed rules for implementing Regulation \(EEC\) No 1906/90 on certain marketing standards for poultrymeat](#).
- F6** Substituted by [Commission Regulation \(EC\) No 1321/2002 of 22 July 2002 amending Regulation \(EEC\) No 1538/91 introducing detailed rules for implementing Council Regulation \(EEC\) No 1906/90 on certain marketing standards for poultrymeat](#).
- F7** Inserted by [Commission Regulation \(EC\) No 2390/95 of 11 October 1995](#).

[^{F2}Article 1 a

For the purposes of this Regulation:

‘marketing’ means holding or displaying for sale, offering for sale, selling, delivery or any other form of marketing;

‘batch’ means poultrymeat of the same species and type, the same class, the same production run, from the same slaughterhouse or cutting plant, situated in the same place, which are to be inspected. For the purposes of Article 8 and Annexes V and VI, a batch shall only comprise prepackages of the same nominal weight category.]

Textual Amendments

- F2** Inserted by [Commission Regulation \(EEC\) No 2891/93 of 21 October 1993](#).

Status: Point in time view as at 30/07/2002.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EEC) No 1538/91 (repealed). (See end of Document for details)

Article 2

1 Poultry carcasses shall, in order to be marketed in accordance with this Regulation, be presented for sale in one of the following forms:

- partially eviscerated ('effilé', 'roped'),
- [^{F7}with giblets,
- without giblets.

The word 'eviscerated' may be added.]

2 Partially eviscerated carcasses are carcasses from which the heart, liver, lungs, gizzard, crop, and kidneys have not been removed.

[^{F23} For all carcase presentations, if the head is not removed, trachea, oesophagus and crop may remain in the carcase.]

4 Giblets shall comprise only the following:

The heart, neck, gizzard and liver, and all other parts considered as edible by the market on which the product is intended for final consumption. Livers shall be without gall bladders. The gizzard shall be without the horned membrane, and the contents of the gizzard shall have been removed. The heart may be with or without the pericardial sac. If the neck remains attached to the carcase, it is not considered as one of the giblets.

Where one of these four organs is customarily not included with the carcase for sale, its absence shall be mentioned on the labelling.

Textual Amendments

- F2** Inserted by [Commission Regulation \(EEC\) No 2891/93 of 21 October 1993](#).
F7 Inserted by [Commission Regulation \(EC\) No 2390/95 of 11 October 1995](#).

Article 3

1 The names under which the products covered by this Regulation are sold, within the meaning of Article 3 (1) (1) of Directive 79/112/EEC, shall be those enumerated in Article 1 and the corresponding terms in the other Community languages listed in Annex I qualified in the case

- of whole carcasses by reference to one of the forms of presentation as laid down in Article 2 (1),
- of poultry cuts, by reference to the respective species.

2 The names defined in Article 1 (1) and (2) may be supplemented by other terms provided that the latter do not mislead the consumer to a material degree and in particular such as would lead to confusion with other products listed in Article 1 (1) and (2) or with indications provided for in Article 10.

Article 4

Products other than those defined in Article 1 may be marketed in the Community only under names which do not mislead the consumer to a material degree by allowing confusion with those referred to in Article 1 or with indications provided for in Article 10.

Status: Point in time view as at 30/07/2002.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EEC) No 1538/91 (repealed). (See end of Document for details)

Article 5

The following additional provisions shall apply to frozen poultrymeat as defined in Article 2 (6) of Regulation (EEC) No 1906/90:

The temperature of frozen poultrymeat concerned by this Regulation must be stable and maintained, at all points in the product, at $-12\text{ }^{\circ}\text{C}$ or lower, with possibly brief upward fluctuations of no more than $3\text{ }^{\circ}\text{C}$. These tolerances in the temperature of the product shall be permitted in accordance with good storage and distribution practice during local distribution and in retail display cabinets.

Article 6

1 Poultry carcasses and cuts covered by this Regulation shall meet the following minimum requirements in order to be graded into classes A and B:

- intact, taking into account the presentation,
- clean, free from any visible foreign matter, dirt or blood,
- free of any foreign smell,
- free of visible bloodstains except those which are small and unobtrusive,
- free of protruding broken bones,
- free of severe contusions.

In the case of fresh poultry, there shall be no traces of prior freezing.

2 In order to be graded as class A, poultry carcasses and cuts shall in addition satisfy the following criteria:

- they shall be of good conformation. The flesh shall be plump; the breast well developed, broad, long and fleshy, and the legs shall be fleshy. On chickens, young ducks or ducklings and turkeys there shall be a thin regular layer of fat on the breast, back and thighs. On cocks, hens, ducks and young geese a thicker layer of fat is permissible. On geese a moderate to thick fat layer shall be present all over the carcass,
- a few small feathers, stubs (quill ends) and hairs (filoplumes) may be present on the breast, legs, rump, footjoints and wing tips. In the case of boiling fowl, ducks, turkeys and geese a few may also be present on other parts,
- some damage, contusion and discoloration is permitted provided that it is small and unobtrusive, and not present on the breast or legs. The wing tip may be missing. A slight redness is permissible in wing tips and follicles,
- in the case of frozen or quick-frozen poultry there shall be no traces of freezer-burn⁽²⁾ except those that are incidental, small and unobtrusive and not present on the breast or legs.

Article 7

[^{F21} Decisions arising from failure to comply with Articles 1, 2 and 6 may only be taken for the whole of the batch which has been checked in accordance with the provisions of this Article.]

F8

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3 A sample consisting of the following numbers of individual products as defined in Article 1 shall be drawn at random from each batch to be inspected in slaughterhouses, cutting plants, wholesale and retail warehouses or in the case of imports from third countries at the time of customs clearance:

Status: Point in time view as at 30/07/2002.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EEC) No 1538/91 (repealed). (See end of Document for details)

[^{F2} Batch size	Sample size	Tolerable number of defective units	
		Total	For Article 1 ^a , 3, and 6 (1)
1	2	3	4
100 - 500	30	5	2
501 - 3 200	50	7	3
> 3 200	80	10	4

a Tolerance within each species, not from one species to another.

4 In the checking of a batch of class A poultrymeat, the total tolerable number of defective units referred to in column 3 of the table of paragraph 3 is allowed. These defective units may also comprise, in the case of breast fillet, fillets with up to 2 % in weight of cartilage (flexible tip of sternum).

However, the number of defective units not complying with the provisions of points 1 and 3 of provisions of Article 1 (1) and (3) as well as Article 6 (1) shall not exceed the figures shown in column 4 of the table contained in paragraph 3.

As regards point 3 of Article 1 (3), any defective unit shall not be considered tolerable unless it be of a weight of at least 240 g in the case of duck livers and of at least 385 g in the case of goose livers.

5 In the checking of a batch of class B poultrymeat, the tolerable number of defective units shall be doubled.]

6 Where the checked batch is not deemed to comply, the supervising agency shall prohibit its marketing or import if the batch comes from a third country, unless and until proof is forthcoming that it has been made to comply with Articles 1 and 6.

Textual Amendments

F2 Inserted by [Commission Regulation \(EEC\) No 2891/93 of 21 October 1993](#).

F8 Deleted by [Commission Regulation \(EEC\) No 2891/93 of 21 October 1993](#).

[^{F9}Article 8

1 Prepackaged frozen or quick frozen poultrymeat may be classified by weight category in accordance with Article 3 (3) of Regulation (EEC) No 1906/90 in prepackages within the meaning of Article 2 of Directive 76/211/EEC.

These prepackages may be:

- prepackages containing one poultry carcass, or
- prepackages containing one or several poultry cuts of the same type and species,

as defined in Article 1.

2 All prepackages shall in accordance with paragraphs 3 and 4 bear an indication of the weight of the product known as ‘nominal weight’ which they are required to contain.

3 Prepackages of frozen or quick-frozen poultrymeat may be classified by categories of nominal weights as follows:

- carcasses:

Status: Point in time view as at 30/07/2002.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EEC) No 1538/91 (repealed). (See end of Document for details)

- <1 100 g: classes of 50 g (1 050 — 1 000 — 950 etc.),
 - 1 100- < 2 400 g: classes of 100 g (1 100 - 1 200 - 1 300 etc.),
 - ≥ 2 400 g: classes of 200 g (2 400 - 2 600 - 2 800 etc.),
- cuts:
- <1 100 g: classes of 50 g (1 050 - 1 000 - 950 etc.),
 - ≥ 1 100 g: classes of 100 g (1 100 - 1 200 - 1 300 etc.).
- 4 Prepackages referred to in paragraph 1 shall be made up in such a way that they satisfy the following requirements:
- the actual contents shall not be less, on average, than the nominal weight,
 - the proportion of prepackages having a negative error greater than the tolerable negative error laid down in paragraph 9 shall be sufficiently small for batches of prepackages to satisfy the requirements of the tests specified in paragraph 10,
 - no prepackage having a negative error greater than twice the tolerable negative error given in paragraph 9 shall be marketed.

The definitions of nominal weight, actual content and negative error laid down in Annex I to Directive 76/211/EEC shall apply to this Regulation.

5 Regarding responsibility of the packer or importer of frozen or quick-frozen poultrymeat and checks to be carried out by competent authorities, points 4,5 and 6 of Annex I to Directive 76/211/EEC apply *mutatis mutandis*.

- 6 The checking of prepackages shall be carried out by sampling and shall be in two parts:
- a check covering the actual content of each prepackage in the sample,
 - a check on the average actual contents of the prepackages in the sample.

A batch of prepackages shall be considered acceptable if the results of both these checks satisfy the acceptance criteria referred to in paragraphs 10 and 11.

7 A batch shall be made up of all the prepackages of the same nominal weight, the same type and the same production rund, packed in the same place, which are to be inspected.

The batch size shall be limited to the quantities laid down below:

- when prepackages are checked at the end of the packing line, the number in each batch shall be equal to the maximum hourly output of the packing line, without any restriction as to batch size,
- in other cases the batch size shall be limited to 10 000.

8 A sample consisting of the following numbers of prepackages shall be drawn at random from each batch to be inspected:

Batch size	Sample size
100 to 500	30
501 to 3 200	50
> 3 200	80

For batches of fewer than 100 prepackages, the non-destructive test, within the meaning of Annex II to Directive 76/211/EEC, where carried out, shall be 100 %.

9 In the case of prepackaged poultrymeat the following tolerable negative errors are permitted:

*Status: Point in time view as at 30/07/2002.**Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EEC) No 1538/91 (repealed). (See end of Document for details)*

(g)

Nominal weight, g	Tolerable negative error, g	
	carcases	cuts
< less than 1 000	25	25
1 100 < 2 400	50	50
2 400 and more	100	

10 For the checking of the actual content of each prepackage in the sample, the minimum acceptable content shall be calculated by subtracting the tolerable negative error for the contents concerned from the nominal weight of the prepackage.

The prepackages in the sample whose actual contents are less than the minimum acceptable content shall be considered defective.

The batch of prepackages, checked shall be considered acceptable or rejected, if the number of defective units found in the sample is less than or equal to the acceptance criterion or equal to or greater than the criterion for rejection shown below:

Number in sample	Number of defective units	
	Acceptance criterion	Rejection criterion
30	2	3
50	3	4
80	5	6

11 For the checking of the average actual contents, a batch of prepackages shall be considered acceptable, if the average actual content of the prepackages forming the sample is greater than the acceptance criterion shown below:

Sample size	Acceptance criterion for average actual content
30	$\bar{x} \geq Q_n - 0,503 s$
50	$\bar{x} \geq Q_n - 0,379 s$
80	$\bar{x} \geq Q_n - 0,295 s$

\bar{x} = average actual content of prepackages,
 Q_n = nominal quantity of the prepackage,
 s = standard deviation of the actual contents of the prepackages in the batch.

The standard deviation shall be estimated as set out under point 2.3.2.2. of Annex II to Directive 76/211/EEC.

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Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EEC) No 1538/91 (repealed). (See end of Document for details)

12 For so long as Directive 80/181/EEC authorizes the use of supplementary indications, the indication of the nominal weight of prepackages to which this Article applies may be accompanied by a supplementary indication.

13 As an alternative to making use of the provisions of paragraphs 2 to 12, operators may market in the United Kingdom until 31 December 1994 prepackages referred to in this Article which are lawfully marked in accordance with national legislation with the nominal weights expressed in imperial units.

In respect of poultrymeat coming into the United Kingdom from other Member States and complying with the provisions of the preceding subparagraph, checks shall be carried out on a random basis and shall not be made at the border.]

Textual Amendments

F9 Inserted by [Commission Regulation \(EEC\) No 1980/92 of 16 July 1992](#).

Article 9

An indication of the use of one of the methods of chilling defined hereafter and the corresponding terms in the other Community languages listed in Annex II may appear on the labelling within the meaning of Article 1 (3) (a) of [^{F6}Directive 2000/13/EC]:

—air chilling:	chilling of poultry carcasses in cold air,
— air-spray chilling:	chilling of poultry carcasses in cold air interspersed with waterhaze or fine water spray,
— immersion chilling:	chilling of poultry carcasses in tanks of water or of ice and water, in accordance with the counterflow process as defined in Council Directive 71/118/EEC ⁽³⁾ , Annex I, Chapter V, points 28 (a) and (b).

Textual Amendments

F6 Substituted by [Commission Regulation \(EC\) No 1321/2002 of 22 July 2002 amending Regulation \(EEC\) No 1538/91 introducing detailed rules for implementing Council Regulation \(EEC\) No 1906/90 on certain marketing standards for poultrymeat](#).

Article 10

[^{F21} In order to indicate types of farming with the exception of organic or biological farming, no other terms except those set out hereunder and the corresponding terms in the other Community languages listed in Annex III may appear on the labelling within the meaning of Article 1 (3) (a) of [^{F6}Directive 2000/13/EC], and in any case they may appear only if the relevant conditions specified in Annex IV are fulfilled:]

- a 'Fed with ... % of ...'
- b 'Extensive indoor' ('Barn reared')
- c 'Free range'
- d 'Traditional free range'
- e 'Free range — total freedom'.

These terms may be supplemented by indications referring to the particular characteristics of the respective types of farming.

Status: Point in time view as at 30/07/2002.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EEC) No 1538/91 (repealed). (See end of Document for details)

[^{F3}When free-range production (points c, d and e) is indicated on the label for meat coming from ducks and geese kept for the production of ‘foie gras’, the term ‘from foie gras production’ shall also be indicated.]

[^{F2} Mention of the age at slaughter of length of fattening period shall be permitted only when use is made of one of the terms referred to in paragraph 1 and for an age of not less than that indicated in Annex IV (b), (c) or (d). However, this provisions does not apply in the case of animals falling within the fourth indent of point 1 (a) of Article 1.]

3 These provisions shall apply without prejudice to national technical measures going beyond the minimum requirements given in Annex IV, which are applicable only to producers of the Member State concerned, provided that they are compatible with Community law and are in conformity with the common marketing standards for poultrymeat.

4 The national measures referred to in paragraph 3 shall be communicated to the Commission.

5 At any time and at the request of the Commission, Member States shall provide all the information necessary for assessing the compatibility of the measures referred to in this Article with Community law and their conformity with the common marketing standards for poultrymeat.

Textual Amendments

F2 Inserted by [Commission Regulation \(EEC\) No 2891/93 of 21 October 1993](#).

F3 Inserted by [Commission Regulation \(EC\) No 1321/2002 of 22 July 2002 amending Regulation \(EEC\) No 1538/91 introducing detailed rules for implementing Council Regulation \(EEC\) No 1906/90 on certain marketing standards for poultrymeat](#).

F6 Substituted by [Commission Regulation \(EC\) No 1321/2002 of 22 July 2002 amending Regulation \(EEC\) No 1538/91 introducing detailed rules for implementing Council Regulation \(EEC\) No 1906/90 on certain marketing standards for poultrymeat](#).

Article 11

1 Slaughterhouses authorized to use the terms referred (SIC! referred) to in Article 10 shall be subject to special registration. They shall keep a separate record, by type of farming:

- of the names and addresses of the producers of such birds, who shall be registered following an inspection by the competent authority of the Member State,
- at the request of this authority the number of birds kept by each producer per turnaround[^{F6},]
- [^{F3}of the number and total live or carcase weight of such birds delivered and processed,
- of details of sales including names and addresses of purchasers for a minimum of 6 months following dispatch.]

[^{F62} The said producers shall subsequently be inspected regularly. They shall keep current records, for a minimum of six months following dispatch, of the number of birds by type of poultry system showing also the number of birds sold and the names and addresses of the purchasers and quantities and source of feed supply.

In addition producers using free-range systems shall also keep records of the date when birds were first given access to range.]

Status: Point in time view as at 30/07/2002.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EEC) No 1538/91 (repealed). (See end of Document for details)

[^{F3}2a Feed manufacturers and suppliers shall keep records for at least six months after dispatch showing that the composition of the feed supplied to the producers referred to in Article 10(1)(a) complies with the indications given about feeding.

2b Hatcheries shall keep records of birds of the strains recognised as slow growing supplied to the producers referred to in Article 10(1)(d) and (e) for at least six months after dispatch.]

3 Regular inspections regarding compliance with Articles 10 and 11 shall be carried out at the

- farm: at least once per turnround,
- [^{F6}feed manufacturer and supplier: at least once a year,]
- slaughterhouse: at least four times per year,
- hatchery: at least once per year for the types of farming referred to in Article 10 (1) (d) and (e).

4 Each Member State shall provide the other Member States and the Commission before 1 July 1991 with a list of the approved slaughterhouse registered according to paragraph 1, showing the name and address and the number allotted to each of them. Any alteration of that list shall be communicated at the beginning of each quarter of the calendar year to the other Member States and the Commission.

Textual Amendments

F3 Inserted by [Commission Regulation \(EC\) No 1321/2002 of 22 July 2002 amending Regulation \(EEC\) No 1538/91 introducing detailed rules for implementing Council Regulation \(EEC\) No 1906/90 on certain marketing standards for poultrymeat.](#)

F6 Substituted by [Commission Regulation \(EC\) No 1321/2002 of 22 July 2002 amending Regulation \(EEC\) No 1538/91 introducing detailed rules for implementing Council Regulation \(EEC\) No 1906/90 on certain marketing standards for poultrymeat.](#)

Article 12

In the case of supervision of the indication of the type of farming used as referred to in Article 5 (6), second paragraph of Regulation (EEC) No 1906/90 bodies designated by the Member States shall comply with the criteria set out in European Norm No En/45011 of 26 June 1989, and as such shall be licensed and supervised by the competent authorities of the Member State concerned.

Article 13

Poultrymeat imported from third countries may bear one or more of the optional indications provided for in Articles 9 or 10 if it is accompanied by a certificate issued by the competent authority of the country of origin attesting to the compliance of the products in question with the relevant provisions of this Regulation.

On request from a third country to the Commission, a list of such authorities shall be established by the Commission.

^{F10}*Article 14*

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Status: Point in time view as at 30/07/2002.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EEC) No 1538/91 (repealed). (See end of Document for details)

Textual Amendments

F10 Deleted by [Commission Regulation \(EC\) No 1321/2002 of 22 July 2002 amending Regulation \(EEC\) No 1538/91 introducing detailed rules for implementing Council Regulation \(EEC\) No 1906/90 on certain marketing standards for poultrymeat.](#)

[^{F2}Article 14a

1 Without prejudice to paragraphs 6 and 10, frozen and quick-frozen chickens may be marketed by way of business or trade within the Community only if the water content does not exceed the technically unavoidable values determined by the method of analysis described in Annex V (drip method) or that in VI (chemical method).

2 The competent authorities designated by each Member State shall ensure that the slaughterhouses adopt all measures necessary to comply with the provisions of paragraph 1 and in particular that:

- samples for monitoring water absorption during chilling and water content of frozen and quick-frozen chickens are taken,
- results of the checks are recorded and kept for a period of one year,
- each batch is marked in such a way that its date of production can be identified; this batch mark must appear on the production record.

3 Regular checks in accordance with Annex VII on the water absorbed or checks in accordance with Annex V shall be carried out in the slaughterhouses at least once each working period of [^{F4}eight] hours.

Where these checks reveal that the amount of water absorbed is greater than the total water content permitted under the terms of this Regulation, account being taken of the water absorbed by the carcasses during the stages of processing which are not subject to checking, and where, in any case, the amount of water absorbed is greater than the levels referred to in point 9 of Annex VII, or in point 7 of Annex V, the necessary technical adjustments shall be made immediately by the slaughterhouse to the process.

4 In all cases referred to in the second subparagraph of paragraph 3 and in any case at least once [^{F11}every two months,] checks on water content referred to in paragraph 1 shall be carried out, by sampling, on frozen and quick frozen chickens from each slaughterhouse according to Annexes V or VI, to be chosen by the competent authority of the Member State. These checks shall not be conducted for carcasses in respect of which proof is provided to the satisfaction of the competent authority that they are intended exclusively for export.

5 The checks referred to in paragraphs 3 and 4 shall be carried out by or under the responsibility of the competent authorities. The competent authorities may, in specific cases, apply the provisions of paragraph 3, and in particular of points 1 and 9 of Annex VII, and of paragraph 4 more stringently in respect of a given slaughterhouse, where this proves necessary to ensure compliance with the total water content permitted under this Regulation.]

[^{F11}They shall in all cases, where a batch of frozen or quick-frozen chickens was deemed not to comply with this Regulation, resume testing at the minimum frequency of checks referred to in paragraph 4 only after three successive checks according to Annexes V or VI, to be carried out by sampling from three different days of production within a maximum of four weeks, have shown negative results. The costs for these check shall be paid by the slaughterhouse concerned.]

Status: Point in time view as at 30/07/2002.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EEC) No 1538/91 (repealed). (See end of Document for details)

[^{F3}5a Where, in the case of air chilling, the results of checks referred to in paragraphs 3 and 4 show compliance with the criteria laid down in Annexes V to VII during a period of six months, the frequency of the checks referred to in paragraph 3 may be reduced to once every month. Any failure to comply with the criteria laid down in these Annexes shall result in reinstatement of checks as referred to in paragraph 3.]

[^{F2}[^{F6}6 If the result of the checks referred to in paragraph 4 is in excess of the admissible limits, the batch concerned shall be deemed not to comply with this Regulation. In that event, however, the slaughterhouse concerned may request that a counter-analysis be carried out in the reference laboratory of the Member State, using a method to be chosen by the competent authority of the Member State. The costs of this counter-analysis shall be borne by the holder of the batch.]

7 Where, if necessary after such counter-analysis, the batch in question is deemed not to comply with this Regulation, the competent authority shall take the appropriate measures aimed at allowing such a batch to be marketed within the Community only on condition such a batch to be marketed within the Community only on condition that both individual and bulk packaging of the carcasses concerned shall be marked by the slaughterhouse under the supervision of the competent authority with a tape or label bearing at least one of the following forms of wording in red capital letters:

- ‘Contenido en agua superior al límite CEE’
- ‘Vandindhold overstiger EØF-Normen’
- ‘Wassergehalt über dem EWG-Höchstwert’
- ‘Περιεκτικότητα σε νερό ανώτερη του ορίου EOK’
- ‘Water content exceeds EEC limit’
- ‘Teneur en eau supérieure à la limite CEE’
- ‘Tenore d'acqua superiore al limite CEE’
- ‘Watergehalte hoger dan het EEG-maximum’
- ‘Teor de água superior ao limite CEE]’
- ‘[^{F12}Vesipitoisuus ylittää ETY-normin’
- ‘Vattenhalten överstiger den halt som är tillåten inom EEG’.]

[^{F2}The batch referred to in the first subparagraph shall remain under the supervision of the competent authority until it is dealt with in accordance with the paragraph or otherwise disposed of. If it is certified to the competent authority that the batch referred to in the first subparagraph is to be exported, the competent authority shall take all necessary measures to prevent the batch in question from being marketed within the Community. The forms of wording provided for in the first subparagraph 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. The letters shall be at least 1 cm high on the individual packaging and 2 cm on bulk packaging.

8 The Member State of destination may, where there are serious ground for suspecting irregularities, carry out non-discriminatory random checks of frozen or quick-frozen chickens in order to verify that a consignment meets the requirements of this Article.

9 The checks referred to in paragraph 8 shall be carried out at the place of destination of the goods or at another suitable place, provided that in the latter case the choice of the places is not at the border and interferes as little as possible with the routing of the goods and that the goods may proceed normally to their destination once the appropriate sample has been taken. However the products concerned shall not be sold to the final consumer until the result of the check is available.

Status: Point in time view as at 30/07/2002.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EEC) No 1538/91 (repealed). (See end of Document for details)

Such checks shall be carried out as soon as possible so as not unduly to delay their placing on the market, or cause delays which might impair their quality.

Results of these checks and any subsequent decisions and the grounds for taking them shall be notified at the latest two working days after sampling to the consignor, the consignee or their representative. Decisions taken by the competent authority of the Member State of destination and the reasons for such decisions shall be notified to the competent authority of the Member State of dispatch.

If the consignor or his representative so requests, the said decisions and reasons shall be forwarded to him in writing with details of the rights of appeal which are available to him under the law in force in the Member State of destination and of the procedure and time limits applicable.

[^{F6}10 If the result of the checks referred to in paragraph 8 is in excess of the admissible limits, the holder of the batch concerned may request that a counter-analysis be carried out in one of the reference laboratories listed in Annex VIII, using the same method as for the initial test. The expenses occasioned by this counter-analysis shall be borne by the holder of the batch. Tasks and competencies of reference laboratories are provided for in Annex IX.]

11 If, after a check carried out in accordance with paragraphs 8 and 9 and, if requested, after a counter-analysis, it is found that the frozen or quick-frozen chickens do not comply with this Article, the competent authority of the Member State of destination shall apply the procedures provided for in paragraph 7.

12 In the cases provided for in paragraphs 10 and 11, the competent authority of the Member State of destination shall contact the competent authorities of the Member State of dispatch without delay. The latter authorities shall take all necessary measures and notify the competent authority of the first Member State of the nature of the checks carried out, the decisions taken and the reasons for such decisions.

Where the checks referred to in paragraphs 8 and 10 show repeated irregularities, or where such checks, in the view of the Member State or dispatch, are being carried out without sufficient justification, the competent authorities of the Member States concerned shall inform the Commission.

The Commission, to the extent necessary to ensure uniform application of this Regulation or at the request of the competent authority of the Member State of destination, and taking into account the nature of the infringements may:

- send a mission of experts to the establishment concerned, and in conjunction with the competent national authorities, carry out on-the-spot inspections, or
- request the competent authority of the Member State of dispatch to intensify its sampling of the products of the establishment concerned and if necessary to apply sanctions in accordance with Article 10 of Regulation (EEC) No 1906/90.

The Commission shall inform the Member States of its findings. Member States in whose territory an inspection is carried out shall give the experts all the assistance necessary for the performance of their tasks.

Pending the Commission's findings, the Member State of dispatch must, at the request of the Member State of destination, intensify checks on products coming from the establishment in question.

Where these measures are taken to deal with repeated irregularities on the part of an establishment, the Commission shall charge any expenses occasioned by the application of the indents of the third subparagraph to the establishment involved.]

Status: Point in time view as at 30/07/2002.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EEC) No 1538/91 (repealed). (See end of Document for details)

[^{F11}12 (a) The competent authorities of the Member States shall inform the respective national reference laboratory without delay about the results of the checks carried out by them or under their responsibility.

The national reference laboratories shall forward these data every six months to the Community reference Laboratory for further evaluation and discussion with national reference laboratories at least once a year. The findings shall be presented to the Management Committee for consideration in accordance with Article 18 of Regulation (EEC) No 2777/75.]

[^{F4}13 The Member States shall adopt the practical measures for the checks provided for in this Article at all stages of marketing including checks of imports from third countries at the time of customs clearance in accordance with Annexes V and VI. They shall inform the other Member States and the Commission before 1 September 2000 of these measures. Any relevant changes shall be communicated immediately to the other Member States and to the Commission.]

[^{F13}14 The Community shall grant the Community reference laboratory ‘Het Spelderholt’, Centre for Poultry Research and Information Services, Beekbergen, the Netherlands, financial assistance of a maximum of ECU 75 000 for a period of three years for the completion of the tasks referred to in Annex IX paragraph 1.

The financial assistance shall be paid to the reference laboratory in accordance with the terms of a contract concluded between the Commission, acting on behalf of the European Community, and the laboratory.

The Director-General of the Directorate-General for Agriculture shall be authorized to sign the contract on behalf of the Commission.]

Textual Amendments

- F2** Inserted by [Commission Regulation \(EEC\) No 2891/93 of 21 October 1993](#).
- F3** Inserted by [Commission Regulation \(EC\) No 1321/2002 of 22 July 2002 amending Regulation \(EEC\) No 1538/91 introducing detailed rules for implementing Council Regulation \(EEC\) No 1906/90 on certain marketing standards for poultrymeat](#).
- F4** Substituted by [Commission Regulation \(EC\) No 1072/2000 of 19 May 2000 amending Regulation \(EEC\) No 1538/91 introducing detailed rules for implementing Regulation \(EEC\) No 1906/90 on certain marketing standards for poultrymeat](#).
- F6** Substituted by [Commission Regulation \(EC\) No 1321/2002 of 22 July 2002 amending Regulation \(EEC\) No 1538/91 introducing detailed rules for implementing Council Regulation \(EEC\) No 1906/90 on certain marketing standards for poultrymeat](#).
- F11** Inserted by [Commission Regulation \(EC\) No 205/96 of 2 February 1996](#).
- F12** Inserted by [Commission Regulation \(EC\) No 3239/94 of 21 December 1994](#).
- F13** Inserted by [Commission Regulation \(EC\) No 1026/94 of 2 May 1994](#).

[^{F5}Article 14b

1 The following fresh, frozen and quick-frozen poultry cuts may be marketed by way of business or trade within the Community only if the water content does not exceed the technically unavoidable values determined by the method of analysis described in Annex VIa (chemical method):

- a chicken breast fillet, with or without wishbone, without skin;
- b chicken breast, with skin;
- c chicken thighs, drumsticks, legs, legs with a portion of the back, leg-quarters, with skin;
- d turkey breast fillet, without skin;

Status: Point in time view as at 30/07/2002.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EEC) No 1538/91 (repealed). (See end of Document for details)

- e turkey breast, with skin;
- f turkey thighs, drumsticks, legs, with skin;
- g deboned turkey leg meat, without skin.

2 The competent authorities designated by each Member State shall ensure that the slaughterhouses and cutting plants whether or not attached to slaughterhouses adopt all measures necessary to comply with the provisions of paragraph 1 and in particular that:

- [^{F6}regular checks on water absorbed are carried out in the slaughterhouses in accordance with Article 14a(3) also for chicken and turkey carcasses intended for the production of the fresh, frozen and quick-frozen cuts listed in paragraph 1. These checks shall be carried out at least once each working period of eight hours. However, in case of air chilling of turkey carcasses, regular checks on water absorbed need not to be carried out. The limit values fixed in Annex VII(9) shall also apply for turkey carcasses,]
- results of the checks are recorded and kept for a period of one year,
- each batch is marked in such a way that its date of production can be identified; this batch mark must appear on the production record.

[^{F3}Where, in the case of air chilling of chickens, the results of checks referred to in the first indent and in paragraph 3 show compliance with the criteria laid down in Annexes V to VII during a period of six months, the frequency of the checks referred to in the first indent may be reduced to once every month. Any failure to comply with the criteria laid down in Annexes V to VII shall result in reinstatement of checks as referred to in the first indent.]

3 At least once every three months checks on the water content referred to in paragraph 1 shall be carried out, by sampling, on frozen and quick-frozen poultry cuts from each cutting-plant producing such cuts, according to Annex VIa. These checks shall not be conducted for poultry cuts in respect of which proof is provided to the satisfaction of the competent authority that they are intended exclusively for export.

[^{F6}After one year of compliance with the criteria laid down in Annex VIa in a particular cutting plant, the frequency of tests shall be reduced to once every six months. Any failure to comply with these criteria shall result in reinstatement of checks as referred to in the first subparagraph.]

4 Paragraphs 5 to 13 of Article 14a shall apply, *mutatis mutandis*, for poultry cuts referred to in paragraph 1.]

Textual Amendments

- F3** Inserted by Commission Regulation (EC) No 1321/2002 of 22 July 2002 amending Regulation (EEC) No 1538/91 introducing detailed rules for implementing Council Regulation (EEC) No 1906/90 on certain marketing standards for poultrymeat.
- F5** Inserted by Commission Regulation (EC) No 1072/2000 of 19 May 2000 amending Regulation (EEC) No 1538/91 introducing detailed rules for implementing Regulation (EEC) No 1906/90 on certain marketing standards for poultrymeat.
- F6** Substituted by Commission Regulation (EC) No 1321/2002 of 22 July 2002 amending Regulation (EEC) No 1538/91 introducing detailed rules for implementing Council Regulation (EEC) No 1906/90 on certain marketing standards for poultrymeat.

Status: Point in time view as at 30/07/2002.

*Changes to legislation: There are currently no known outstanding effects for the
Commission Regulation (EEC) No 1538/91 (repealed). (See end of Document for details)*

[^{F14}Article 15

This Regulation shall enter into force on 20 June 1991.

It shall apply from 1 July 1991.

Article 8 shall apply from 1 March 1992 in the case of imports from third countries.

However, until [^{F15}31 March 1992] operators may pack products covered by this Regulation in packing material bearing indications provided for in Community or national legislation applicable before the entry into force of this Regulation. These products may then be marketed until 31 December 1992.]

Textual Amendments

F14 Inserted by [Commission Regulation \(EEC\) No 2988/91 of 11 October 1991](#).

F15 Inserted by [Commission Regulation \(EEC\) No 315/92 of 10 February 1992](#).

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

Status: Point in time view as at 30/07/2002.

Changes to legislation: There are currently no known outstanding effects for the
Commission Regulation (EEC) No 1538/91 (repealed). (See end of Document for details)

- (1) [OJ No L 33, 8. 2. 1979, p. 1.](#)
- (2) Freezer-burn: (in the sense of a reduction in quality) is the local or area-type irreversible drying up of skin and/or flesh which may show itself as changes:
 - in the original colour (mostly getting paler), and/or
 - in flavour and smell (flavourless or rancid), and/or
 - in consistency (dry, spongy).
- (3) [OJ No L 55, 8. 3. 1971, p. 23](#)

Status:

Point in time view as at 30/07/2002.

Changes to legislation:

There are currently no known outstanding effects for the Commission Regulation (EEC) No 1538/91 (repealed).