

Commission Regulation (EC) No 543/2008 of 16 June 2008 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 as regards the marketing standards for poultrymeat

Article 9

1 Frozen or quick-frozen poultrymeat pre-packaged within the meaning of Article 2 of Directive 76/211/EEC ^{F1}... may contain:

- one poultry carcase, or
- one or more poultry cuts of the same type and species, as defined in Article 1.

2 All pre-packages 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 Pre-packages of frozen or quick-frozen poultrymeat may be classified by categories of nominal weights as follows:

a carcases:

- < 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.);

b 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 Pre-packages referred to in paragraph 1 shall be made up in such a way that they satisfy the following requirements:

- a the actual contents shall not be less, on average, than the nominal weight;
- b the proportion of pre-packages having a negative error greater than the tolerable negative error laid down in paragraph 9 shall be sufficiently small for batches of pre-packages to satisfy the requirements of the tests specified in paragraph 10;
- c no pre-package having a negative error greater than twice the tolerable negative error given in paragraph 9 shall be marketed.

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

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 pre-packages shall be carried out by sampling and shall be in two parts:

- a check covering the actual content of each pre-package in the sample,
- a check on the average actual contents of the pre-packages in the sample.

A batch of pre-packages 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 pre-packages of the same nominal weight, the same type and the same production run, packed in the same place, which are to be inspected.

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

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- where pre-packages 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 pre-packages 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 pre-packages, 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 pre-packaged poultrymeat the following tolerable negative errors are permitted:

Nominal weight	Tolerable negative error	
	carcasses	cuts
less than 1 100	25	25
1 100 to < 2 400	50	50
2 400 and more	100	50]

10 For the checking of the actual content of each pre-package 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 pre-package.

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

The batch of pre-packages 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:

Sample size	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 pre-packages shall be considered acceptable if the average actual content of the pre-packages forming the sample is greater than the acceptance criterion shown below:

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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 pre-packages
 Q_n = nominal weight of the pre-package
 s = standard deviation of the actual contents of the pre-packages 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.

12 [F³The] indication of the nominal weight of pre-packages to which this Article applies may be accompanied by a supplementary indication [F⁴authorised by section 8(5A) of the Weights and Measures Act 1985].

F⁵13

[F⁶14 For the purposes of this Article, Directive 76/211/EEC is to be read in accordance with paragraphs 15 to 17.

15 “Third country” has the meaning set out in Article 2(g).

16 Annex 1 is to be read as if:

- a in paragraph 4:
 - i in the fifth subparagraph, for the words from “departments in” to “departments” there were substituted “ authority and if he holds at the disposal of the competent authority ”;
 - ii in the sixth subparagraph, for “non-EEC” there were substituted “ third ”;
- b in paragraph 5:
 - i in the heading:
 - aa for “departments” there were substituted “ authority ”;
 - bb for “the Community” there were substituted “Great Britain”;
 - ii in the first subparagraph:
 - aa for “departments of the Member States” there were substituted “ authority ”;
 - bb for “the Community” there were substituted “Great Britain”;
 - iii in the third and fourth subparagraphs “used by a Member State” were omitted;
- c in paragraph 6:
 - i in the heading, for “departments” there were substituted “ authority ”;
 - ii in the first subparagraph, for “departments of the Member States” there were substituted “ authority ”.

17 Annex 2 is to be read as if, in paragraph 1, the third subparagraph were omitted.]

Textual Amendments

F1 Words in Art. 9(1) omitted (31.12.2020) by virtue of The Common Organisation of the Markets in Agricultural Products and Common Agricultural Policy (Miscellaneous Amendments etc.) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1422), regs. 1, 8(8)(a); 2020 c. 1, Sch. 5 para. 1(1)

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- F2** Substituted by Commission Regulation (EC) No 936/2008 of 24 September 2008 correcting Regulation (EC) No 543/2008 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 as regards the marketing standards for poultrymeat.
- F3** Word in Art. 9(12) substituted (E.W.) (1.12.2022) by The Common Organisation of the Markets in Agricultural Products (Amendment) Regulations 2022 (S.I. 2022/1150), regs. 1(2), **3(2)(a)** and (S.) (2.2.2023) by The Agriculture (Retained EU Law and Data) (Scotland) Act 2020 (Consequential Modifications) and Agricultural Products, Aquatic Animal Health and Genetically Modified Organisms (EU Exit) (Amendment) Regulations 2022 (S.S.I. 2022/361), regs. 1, **3(3)(a)**
- F4** Words in Art. 9(12) inserted (E.W.) (1.12.2022) by The Common Organisation of the Markets in Agricultural Products (Amendment) Regulations 2022 (S.I. 2022/1150), regs. 1(2), **3(2)(b)** and (S.) (2.2.2023) by virtue of The Agriculture (Retained EU Law and Data) (Scotland) Act 2020 (Consequential Modifications) and Agricultural Products, Aquatic Animal Health and Genetically Modified Organisms (EU Exit) (Amendment) Regulations 2022 (S.S.I. 2022/361), regs. 1, **3(3)(b)**
- F5** Art. 9(13) omitted (31.12.2020) by virtue of The Common Organisation of the Markets in Agricultural Products and Common Agricultural Policy (Miscellaneous Amendments etc.) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1422), regs. 1, **8(8)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F6** Art. 9(14)-(17) inserted (31.12.2020) by The Common Organisation of the Markets in Agricultural Products and Common Agricultural Policy (Miscellaneous Amendments etc.) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1422), regs. 1, **8(8)(c)** (as amended by S.I. 2020/1453, regs. 1(2)(b), **14(18)(c)**; 2020 c. 1, Sch. 5 para. 1(1)

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Changes and effects yet to be applied to :

- Recital 3 replacement by [EUR 2012/652](#) Regulation
- Recital 4 replacement by [EUR 2012/652](#) Regulation
- Recital 5 replacement by [EUR 2012/652](#) Regulation
- Recital 6 replacement by [EUR 2012/652](#) Regulation
- Recital 7 replacement by [EUR 2012/652](#) Regulation
- Recital 8 replacement by [EUR 2012/652](#) Regulation
- Recital 11 replacement by [EUR 2012/652](#) Regulation
- Recital 12 replacement by [EUR 2012/652](#) Regulation
- Recital 13 replacement by [EUR 2012/652](#) Regulation
- Recital 15 replacement by [EUR 2012/652](#) Regulation
- Recital 16 replacement by [EUR 2012/652](#) Regulation
- Recital 17 replacement by [EUR 2012/652](#) Regulation
- Recital 18 replacement by [EUR 2012/652](#) Regulation
- Recital 24 replacement by [EUR 2012/652](#) Regulation