

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 1

The products referred to in Article 121(e)(ii) of Regulation (EC) No 1234/2007 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),
 - 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,
 - 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 12 for the checking of this slaughter age,
 - young cock: male chicken of laying strains in which the tip of the sternum is rigid but not completely ossified and of 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) **DUCKS** (*Anas platyrhynchos dom.*, *Cairina moschata*), Mulard ducks (*Cairina moschata x Anas platyrhynchos*)
- 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Status: Point in time view as at 31/01/2020.

Changes to legislation: Commission Regulation (EC) No 543/2008 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

For the purpose of this Regulation, variants of the terms used in (a) to (e) 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) 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 it, 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) 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 cartilaginous point of the sternum only, the weight of clavicle and cartilage not to exceed 3 % of that of the cut;
- (m) magret, maigret: breast fillet of ducks and geese referred to in point (3) comprising skin and subcutaneous fat covering the breast muscle, without the deep pectoral muscle;
- (n) 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 delineating the joints as shown in the graphical presentation in Annex II.

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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 Directive 2000/13/EC of the European Parliament and of the Council⁽¹⁾.

3. **Foie gras**

The livers of geese, or of ducks of the species *Cairina moschata* or *Cairina moschata x Anas platyrhynchos* 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 shall be of a uniform colour.

The livers shall be of the following weight:

- duck livers shall weigh at least 300 g net,
- goose livers shall weigh at least 400 g net.

Article 2

For the purposes of this Regulation:

- (a) ‘carcase’ means the whole body of a bird of the species referred to in Article 1(1) after bleeding, plucking and evisceration; however, removal of the kidneys shall be optional; an eviscerated carcase may be presented for sale with or without giblets, meaning heart, liver, gizzard and neck, inserted into the abdominal cavity;
- (b) ‘cuts thereof’ means poultrymeat which owing to the size and the characteristics of the coherent muscle tissue is identifiable as having been obtained from a particular part of the carcase;
- (c) ‘pre-packaged poultrymeat’ means poultrymeat presented in accordance with the conditions laid down in Article 1(3)(b) of Directive 2000/13/EC;
- (d) ‘poultrymeat without pre-packaging’ means poultrymeat presented for sale to the final consumer without pre-packaging or else packed at the place of sale at the latter’s request;
- (e) ‘marketing’ means holding or displaying for sale, offering for sale, selling, delivery or any other form of marketing;
- (f) ‘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 is to be inspected. For the purposes of Article 9 and Annexes V and VI, a batch shall only comprise pre-packages of the same nominal weight category.

Article 3

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’),
- with giblets,
- without giblets.

The word ‘eviscerated’ may be added.

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

3 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.

5 In addition to complying with national legislation adopted in accordance with Directive 2000/13/EC, the following further indications shall be shown on the accompanying commercial documents within the meaning of Article 13(1)(b) of that Directive:

- a the class as referred to in point III(1) of Part B of Annex XIV to Regulation (EC) No 1234/2007;
- b the condition in which the poultrymeat is marketed in accordance with point III(2) of Part B of Annex XIV to Regulation (EC) No 1234/2007 and the recommended storage temperature.

Article 4

1 The names under which the products covered by this Regulation are sold, within the meaning of Article 3(1)(1) of Directive 2000/13/EC, shall be those enumerated in Article 1 of this Regulation and the corresponding terms in the other Community languages listed in Annex I to this Regulation, qualified in the case of:

- whole carcasses, by reference to one of the forms of presentation as laid down in Article 3(1) of this Regulation,
- poultry cuts, by reference to the respective species.

2 The names defined in points (1) and (2) of Article 1 may be supplemented by other terms provided that the latter do not mislead the consumer to a material degree and in particular do not allow confusion with other products listed in points (1) and (2) of Article 1 or with indications provided for in Article 11.

Article 5

1 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 11.

2 In addition to complying with national legislation adopted in accordance with Directive 2000/13/EC, the labelling, presentation and advertising of poultrymeat intended for the final consumer shall comply with the additional requirements set out in paragraphs 3 and 4 of this Article.

3 In the case of fresh poultrymeat, the date of minimum durability shall be replaced by the 'use by' date in accordance with Article 10 of Directive 2000/13/EC.

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4 In the case of pre-packaged poultrymeat, the following particulars shall also appear on the pre-packaging or on a label attached thereto:

- a the class as referred to in point III(1) of Part B of Annex XIV to Regulation (EC) No 1234/2007;
- b in the case of fresh poultrymeat, the total price and the price per weight unit at the retail stage;
- c the condition in which the poultrymeat is marketed in accordance with point III(2) of Part B of Annex XIV to Regulation (EC) No 1234/2007 and the recommended storage temperature;
- d the registered number of the slaughterhouse or cutting plant in accordance with Article 4 of Regulation (EC) No 853/2004 of the European Parliament and of the Council⁽²⁾, except in the case of cutting and boning at the place of sale as provided for in Article 4(2)(d) of that Regulation;
- e in the case of poultrymeat imported from third countries, an indication of the country of origin.

5 Where poultrymeat is offered for sale without pre-packaging, except where cutting and boning take place at the place of sale as provided for in Article 4(2)(d) of Regulation (EC) No 853/2004, provided such cutting and boning is carried out at the request and in the presence of the consumer, Article 14 of Directive 2000/13/EC shall apply to the indications referred to in paragraph 4.

6 By way of derogation from Article 3(5) and paragraphs 2 to 5 of this Article, it shall not be necessary to classify poultrymeat or to indicate the additional particulars referred to in those Articles in the case of deliveries to cutting or processing establishments.

Article 6

The following additional provisions shall apply to frozen poultrymeat as defined in point II(3) of Part B of Annex XIV to Regulation (EC) No 1234/2007:

The temperature of frozen poultrymeat concerned by this Regulation must be stable and maintained, at all points in the product, at -12°C or lower, with brief upward fluctuations of no more than 3°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 7

1 In order to be graded as classes A and B, poultry carcasses and cuts covered by this Regulation shall meet the following minimum requirements, i.e. they shall be:

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

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

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

- a 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

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- 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;
- b a few small feathers, stubs (quill ends) and hairs (filoplumes) may be present on the breast, legs, back, footjoints and wing tips. In the case of boiling fowl, ducks, turkeys and geese, a few may also be present on other parts;
 - c 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;
 - d in the case of frozen or quick-frozen poultry there shall be no traces of freezer-burn⁽³⁾ except those that are incidental, small and unobtrusive and not present on the breast or legs.

Article 8

1 Decisions arising from failure to comply with Articles 1, 3 and 7 may only be taken for the whole of the batch which has been checked in accordance with the provisions of this Article.

2 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 at any other stage of marketing, including during transport or, in the case of imports from third countries, at the time of customs clearance:

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

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

3 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 in paragraph 2 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 Article 1, nor Article 7(1), shall not exceed the figures shown in column 4 of the table in paragraph 2.

As regards point (3) of Article 1, no defective unit shall 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.

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

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5 Where the checked batch does not comply, the supervising agency shall prohibit its marketing or, if the batch comes from a third country, its import, unless and until proof is forthcoming that it has been made to comply with Articles 1 and 7.

Article 9

1 Frozen or quick-frozen poultrymeat pre-packaged within the meaning of Article 2 of Directive 76/211/EEC may be classified by weight category in accordance with point III(3) of Part B of Annex XIV to Regulation (EC) No 1234/2007. The pre-packages may contain:

- one poultry carcass, 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 carcasses:

- < 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 For so long as Council Directive 80/181/EEC⁽⁴⁾ authorises the use of supplementary indications, the indication of the nominal weight of pre-packages to which this Article applies may be accompanied by a supplementary indication.

13 In respect of poultrymeat entering the United Kingdom from other Member States, checks shall be carried out on a random basis and shall not be made at the border.

Textual Amendments

F1 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.](#)

Article 10

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 III may appear on the labelling within the meaning of Article 1(3)(a) of 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.

Article 11

1 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 IV may appear on the labelling within the meaning of Article 1(3)(a) of Directive 2000/13/EC, and in any case they may appear only if the relevant conditions specified in Annex V to this Regulation are fulfilled:

- a 'Fed with ... % ...';
- 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.

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

2 Mention of the age at slaughter or 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 V(b), (c) or (d). However, this provision does not apply to animals covered by the fourth indent of point 1(a) of Article 1.

3 Paragraphs 1 and 2 shall apply without prejudice to national technical measures going beyond the minimum requirements given in Annex V, 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.

Article 12

1 Slaughterhouses authorised to use the terms referred to in Article 11 shall be subject to special registration. They shall keep a separate record, by type of farming of:

- a 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;
- b at the request of this authority, the number of birds kept by each producer per turnround;
- c the number and total live or carcase weight of such birds delivered and processed;
- d details of sales, including names and addresses of purchasers, for a minimum of six months following dispatch.

2 The producers referred to in paragraph 1 shall subsequently be inspected regularly. They shall keep up-to-date records, for a minimum of six months following dispatch, of the number of birds by type of farming showing also the number of birds sold, the name 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.

3 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 for the type of farming referred to in Article 11(1)(a) complies with the indications given in respect of feeding.

4 Hatcheries shall keep records of birds of the strains recognised as slow growing supplied to the producers for the types of farming referred to in Article 11(1)(d) and (e) for at least six months after dispatch.

5 Regular inspections regarding compliance with Article 11 and paragraphs 1 to 4 of this Article shall be carried out at:

- a the farm: at least once per turnround;
- b the feed manufacturer and supplier: at least once a year;
- c the slaughterhouse: at least four times per year;

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- d the hatchery: at least once per year for the types of farming referred to in Article 11(1) (d) and (e).

[^{F26} Each Member State shall make available to the other Member States and to the Commission, by every appropriate means, including publication on the Internet, the updated list of the approved slaughterhouses registered in accordance with paragraph 1, showing their name and address and the number allotted to each of them.]

Textual Amendments

F2 Substituted by Commission Regulation (EU) No 557/2010 of 24 June 2010 amending Regulations (EC) No 1518/2003, (EC) No 596/2004, (EC) No 633/2004, (EC) No 1345/2005, (EC) No 2014/2005, (EC) No 239/2007, (EC) No 1299/2007, (EC) No 543/2008, (EC) No 589/2008, (EC) No 617/2008 and (EC) No 826/2008 as regards the notification obligations within the common organisation of agricultural markets.

Article 13

In the case of supervision of the indication of the type of farming used as referred to in Article 121(e)(v) of Regulation (EC) No 1234/2007, 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 14

Poultrymeat imported from third countries may bear one or more of the optional indications provided for in Articles 10 and 11 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 receipt of a request from a third country, the Commission shall establish a list of such authorities.

Article 15

1 Without prejudice to Article 16(5) and Article 17(3), 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 VI (drip method) or that in Annex VII (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.

Article 16

1 Regular checks in accordance with Annex IX on the water absorbed or checks in accordance with Annex VI shall be carried out in the slaughterhouses at least once each working period of eight hours.

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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 10 of Annex IX, or in point 7 of Annex VI, the necessary technical adjustments shall be made immediately by the slaughterhouse to the process.

2 In all cases referred to in the second subparagraph of paragraph 1 and in any case at least once every two months, checks on water content referred to in Article 15(1) shall be carried out, by sampling, on frozen and quick-frozen chickens from each slaughterhouse in accordance with Annex VI or VII, 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.

3 The checks referred to in paragraphs 1 and 2 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 1, and in particular of points 1 and 10 of Annex IX, and of paragraph 2 more stringently in respect of a given slaughterhouse, where this proves necessary to ensure compliance with the total water content permitted under this Regulation.

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 2 only after three successive checks according to Annex VI or VII, to be carried out by sampling from three different days of production within a maximum of four weeks, have shown negative results. The costs of these checks shall be paid by the slaughterhouse concerned.

4 Where, in the case of air chilling, the results of checks referred to in paragraphs 1 and 2 show compliance with the criteria laid down in Annexes VI to IX during a period of six months, the frequency of the checks referred to in paragraph 1 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 1.

5 If the result of the checks referred to in paragraph 2 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.

6 Where the batch in question is deemed after such counter-analysis not to comply with this Regulation, the competent authority shall take the appropriate measures aimed at allowing it to be marketed as such 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, in red capital letters, at least one of the indications set out in Annex X.

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 this 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 indications provided for in the first subparagraph shall be marked in a conspicuous place so as to be easily visible, clearly legible and indelible. They shall not in any way

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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.

Article 17

1 The Member State of destination may, where there are serious grounds 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 Articles 15 and 16.

2 The checks referred to in paragraph 1 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.

Such checks shall be carried out as quickly 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.

3 If the result of the checks referred to in paragraph 1 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 XI, 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. The tasks and competencies of reference laboratories are set out in Annex XII.

4 If, after a check carried out in accordance with paragraphs 1 and 2 and, if requested, after a counter-analysis, it is found that the frozen or quick-frozen chickens do not comply with Articles 15 and 16, the competent authority of the Member State of destination shall apply the procedures provided for in Article 16(6).

5 In the cases provided for in paragraphs 3 and 4, 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 1 and 3 show repeated irregularities, or where such checks, in the view of the Member State of dispatch, are being carried out without sufficient justification, the competent authorities of the Member States concerned shall inform 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, the Commission may:

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- 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 194 of Regulation (EC) No 1234/2007.

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 provisions of the indents of the third subparagraph to the establishment involved.

Article 18

1 The competent authorities of the Member States shall inform the respective national reference laboratory without delay about the results of the checks referred to in Articles 15, 16 and 17, carried out by them or under their responsibility.

[^{F2}By 30 June each year, the national reference laboratories shall notify the Commission of the results of checks mentioned in the first subparagraph. The findings shall be presented for consideration to the Management Committee referred to in Article 195(1) of Regulation (EC) No 1234/2007.]

2 The Member States shall adopt the practical measures for the checks provided for in Articles 15, 16 and 17 at all stages of marketing, including checks on imports from third countries at the time of customs clearance in accordance with Annexes VI and VII. They shall inform the other Member States and the Commission of these measures. Any changes to the measures shall be communicated immediately to the other Member States and to the Commission.

Textual Amendments

F2 Substituted by [Commission Regulation \(EU\) No 557/2010 of 24 June 2010 amending Regulations \(EC\) No 1518/2003, \(EC\) No 596/2004, \(EC\) No 633/2004, \(EC\) No 1345/2005, \(EC\) No 2014/2005, \(EC\) No 239/2007, \(EC\) No 1299/2007, \(EC\) No 543/2008, \(EC\) No 589/2008, \(EC\) No 617/2008 and \(EC\) No 826/2008 as regards the notification obligations within the common organisation of agricultural markets.](#)

Article 19

A board of experts in monitoring water content in poultrymeat shall act as a coordinating body for the testing activities of the national reference laboratories. It shall consist of representatives of the Commission and national reference laboratories. The tasks of the board and of national reference laboratories, as well as the organisational structure of the board, are set out in Annex XII.

Financial assistance shall be paid to the reference laboratory under the terms of a contract concluded between the Commission, on behalf of the Community, and that laboratory.

Status: Point in time view as at 31/01/2020.

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The Director-General for Agriculture and Rural Development is authorised to sign the contract on behalf of the Commission.

Article 20

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 VIII (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;
- 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:

- a regular checks on water absorbed are carried out in the slaughterhouses in accordance with Article 16(1) also for chicken and turkey carcasses intended for the production of the fresh, frozen and quick-frozen cuts listed in paragraph 1 of this Article. These checks shall be carried out at least once each working period of eight hours. However, in the case of air chilling of turkey carcasses, regular checks on water absorbed need not be carried out. The limit values fixed in point 10 of Annex IX shall also apply for turkey carcasses;
- b results of the checks are recorded and kept for a period of one year;
- c 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.

Where, in the case of air chilling of chickens, the results of checks referred to in point (a) and in paragraph 3 show compliance with the criteria laid down in Annexes VI to IX during a period of six months, the frequency of the checks referred to in point (a) may be reduced to once every month. Any failure to comply with the criteria laid down in Annexes VI to IX shall result in reinstatement of checks as referred to in point (a).

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, in accordance with Annex VIII. These checks do not have to 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.

After one year of compliance with the criteria laid down in Annex VIII 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 Article 16(3) to (6) and Articles 17 and 18 shall apply, *mutatis mutandis*, for poultry cuts referred to in paragraph 1 of this Article.

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F³ Article 20a

The notifications to the Commission referred to in Articles 11(4), 11(5), 17(5), 18(1) and 18(2) shall be made in accordance with Commission Regulation (EC) No 792/2009⁽⁵⁾.]

Textual Amendments

- F3** Inserted by Commission Regulation (EU) No 557/2010 of 24 June 2010 amending Regulations (EC) No 1518/2003, (EC) No 596/2004, (EC) No 633/2004, (EC) No 1345/2005, (EC) No 2014/2005, (EC) No 239/2007, (EC) No 1299/2007, (EC) No 543/2008, (EC) No 589/2008, (EC) No 617/2008 and (EC) No 826/2008 as regards the notification obligations within the common organisation of agricultural markets.

Article 21

Regulation (EEC) No 1538/91 is hereby repealed as from 1 July 2008.

References to the repealed Regulation and to Regulation (EEC) No 1906/90 shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex XIII.

Article 22

This Regulation shall enter into force on the 20th day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 July 2008.

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

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- (1) [OJ L 109, 6.5.2000, p. 29.](#)
- (2) [OJ L 139, 30.4.2004, p. 55.](#) Corrigendum published in [OJ L 226, 25.6.2004, p. 22.](#)
- (3) 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 produce changes:
 - in the original colour (mostly getting paler), or
 - in flavour and smell (flavourless or rancid), or
 - in texture (dry, spongy).
- (4) [OJ L 39, 15.2.1980, p. 40.](#)
- (5) [^{F3}[OJ L 228, 1.9.2009, p. 3.](#)]

Textual Amendments

- F3** Inserted by Commission Regulation (EU) No 557/2010 of 24 June 2010 amending Regulations (EC) No 1518/2003, (EC) No 596/2004, (EC) No 633/2004, (EC) No 1345/2005, (EC) No 2014/2005, (EC) No 239/2007, (EC) No 1299/2007, (EC) No 543/2008, (EC) No 589/2008, (EC) No 617/2008 and (EC) No 826/2008 as regards the notification obligations within the common organisation of agricultural markets.

Status:

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