

EN  
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Answer given by Mr Breton  
on behalf of the European Commission  
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Council Directive 76/211/EEC<sup>1</sup> harmonises laws of Member States on certain prepackaged products.

Annex II of the Directive details the reference method for statistical checking of batches of prepackages. Member States have to carry out metrological controls as defined in Annex I, section 5 and in Annex II. These controls are carried out by statistical sampling checks. Their effectiveness must be comparable to reference method of Annex II. Member States use this method when checking, not packers or importers.

Member States perform controls on occasion, not at each hour of production. They can choose a different test than the one of Annex II, provided it is comparable. Thus, they can select one suitable for plants with hourly output less than 10,000 prepackages. Two different food products are not prepackages of the same type thus are not to be regarded parts of the same batch.

As for packers and importers, they must ensure that the ‘actual contents’, shall be measured or checked by weight or volume as specified by paragraph 2 of Article 4 of Annex I. In the first option, they measure the quantity of product contained in each prepackage. If they decide not to do so, but to perform checks instead, they need to ensure that ‘the quantity of the contents is effectively ensured’<sup>2</sup>. Paragraph 5 of Article 4 specifies that this condition is fulfilled if the packer carries out ‘production checks in accordance with procedures recognised by the Member State and if he holds at the disposal of its competent departments the documents containing the results of such checks’.

Businesses and citizens can also obtain information on the implementation of EU legislation from the Europe Direct contact centres<sup>3</sup> and via the Your Europe portal<sup>4</sup> in all EU languages.

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<sup>1</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:31976L0211&from=EN>

<sup>2</sup> See paragraph 4 of Article 4 of Annex I.

<sup>3</sup> [https://european-union.europa.eu/contact-eu\\_en](https://european-union.europa.eu/contact-eu_en)

<sup>4</sup> [https://europa.eu/youreurope/index\\_en.htm](https://europa.eu/youreurope/index_en.htm)