

Reference test, fees and enforcement results

- Eichgesetz § 16 and FPV § 34: Rights for metrological control by responsible authorities, right to access & obligation for the packer to provide information
 - Prepackages Regulation (**FPV**) Annex 4:
Instruction for the reference test through the responsible legal authorities
 - included sampling plans for non-destructive and destructive testing
- in connection with
- Guidance for metrological control on prepackages (**RFP**)
 - Reference tests should be carry out **once every year**
 - Because this is so: German packagers are **free** to put the 'e' on the prepackage, without **explicit** allowance
(in accordance with European court Case 96/84).

Reference test, fees and enforcement results

- The tolerable deficiencies -TOL- (FPV § 22) are:

Nominal quantity Q_n in g or mL	Tolerable Deficiency	
	Percent of Q_n	g or mL
0 to 50	9	-
50 to 100	-	4.5
100 to 200	4.5	-
200 to 300	-	9
300 to 500	3	-
500 to 1 000	-	15
1 000 to 10 000	1.5	-

The values are equal to the values in OIML R87 and 76/211/EEC

Reference test, fees and enforcement results

The Three rules – average, Tu1 & Tu2 –

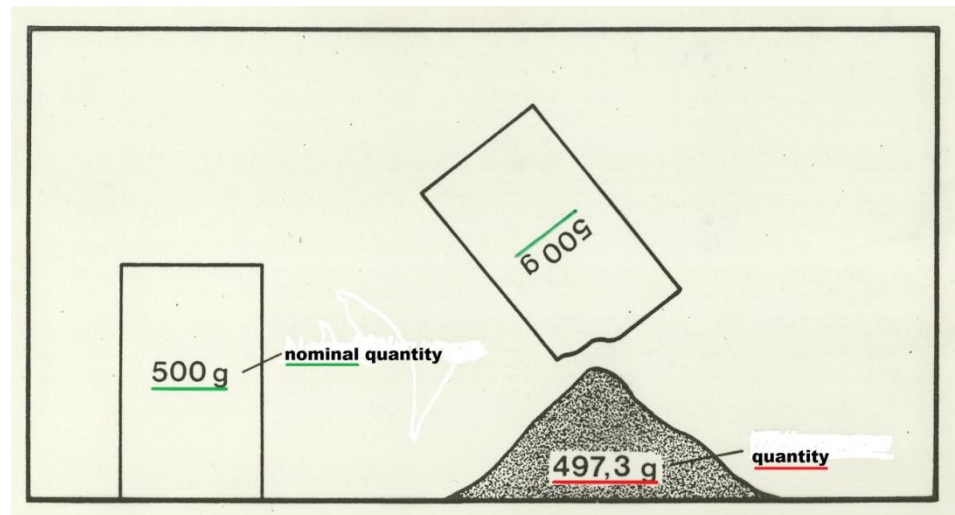
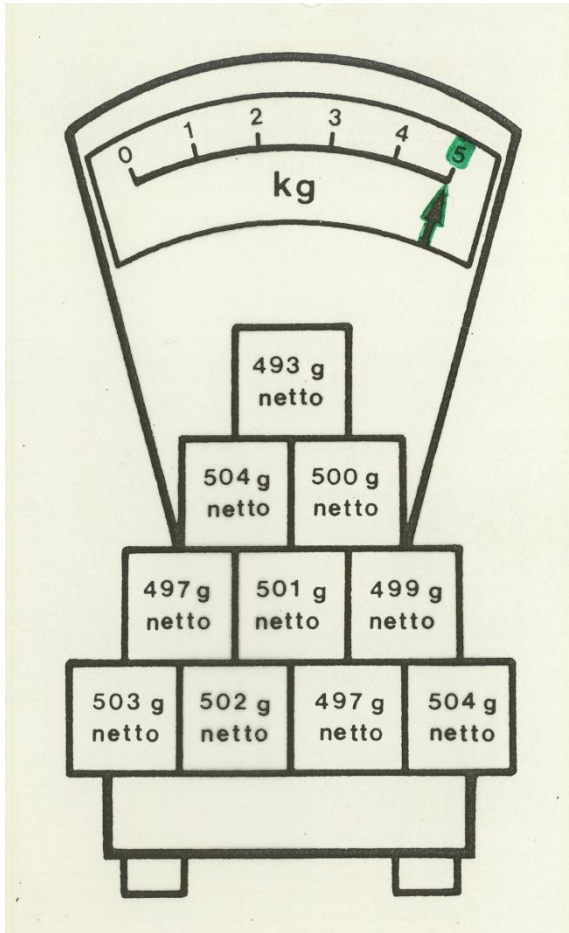
i) $\text{Average}(+ k*s) \geq Q_n$

ii) 2,0 %* allowed below

$$\text{Tu1} = Q_n - \text{TOL}$$

iii) no package allowed below

$$\text{Tu2} = Q_n - 2 * \text{TOL}$$



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- Used sampling plans of the FPV in market surveillance correspond with the sampling plans of OIML R87 and 76/211/EEC.
- The most, for the not destroying test, the single sampling plans are used:

N	n	c	d	k
100 to 500	50	3	4	0,379
501 to 3200	80	5	6	0,295
more than 3201	125	7	8	0,234

Laboratory prepackages inspection



Same equipment for the inspection on the premise of the packer

Procedure of inspection according to FPV and RFP

1. Office:

- Identification of packer or importer (Checks should be carried out at least once a year on the premises of packer.)
- Test inspection equipment

2. On-site:

- **Labelling and marking**
- Determination of the sample size depending on lot size
- Sampling by chance
- Determination of average tare weight (if permissible), tolerable deficiency, acceptance and rejection criteria
- Determination of individual prepackage error, mean value and that the results not exceed the tolerances
- **Assessment of the Quality Control System (& of the recorded results)**

Procedure of inspection

Auswertung einer Prüfung von Fertigpackungen gleicher Nennfüllmenge



**Landesamt für Mess- und Eichwesen
Berlin-Brandenburg**

Prüfdatum: 04.08.2009

Prüfer: Frau Kemmerling

Kundendaten

Kundennummer:
Name 1:
Name 2:
Branche:
Straße/Hausnummer:
PLZ / Ort:
Gesprächspartner:
Telefon / Fax:

Hersteller

Statistik
speichern

Reference test, fees and enforcement results

- If average tare is permissible and sample size (fee for every lot)

50.1.1.1	up to 50 packages	75,60 Euro
50.1.1.2	more than 50 to 80 packages	87,40 Euro
50.1.1.3	more than 80 packages	127,00 Euro

- With determination and consideration of every individual tare weight and sample size (fee for every lot)

50.1.3.1	up to 50 packages	187,00 Euro
50.1.3.2	more than 50 to 80 packages	224,00 Euro
50.1.3.3	more than 80 packages	386,00 Euro

Reference test, fees and enforcement results

- 100% inspection (up to 99 pieces) for surveillance of the weight of unwrapped bakery products at the retailer

50.3.1.1	up to 25 pieces	24,60 Euro
50.3.1.2	more than 25 to 50 pieces	43,60 Euro
50.3.1.3	more than 50 pieces	47,10 Euro

- Additional fees for
Density determination in simple cases 43,90 Euro

Reference test, fees and enforcement results

Penalties

- Preventative enforcement policy
- In cases of negligible offences a cautionary fine up to 35 Euro is issued (OWiG § 56 Abs. 1).
- The amount of the regulatory fine shall not exceed 10.000 Euro. But the regulatory fine shall exceed the financial benefit, so that for that purpose, it may be exceeded! (OWiG § 17 & § 29a)
- In the event of dispute, the matter would be referred to a court of law.
- 900 cautionary fines and 1.850 penalties a year (DE 2011)

Reference test, fees and enforcement results

Year	Number of checked samples	Number of checked prepackages	Give cause for complaint		
			against mean value	against TU1	against TU2
2011	785	31.610	46 (5,9 %)	54 (6,9 %)	197 (0,6 %)
2010	915	38.269	66 (7,2 %)	38 (4,2 %)	292 (0,8 %)
2009	841	36.892	69 (8,2 %)	27 (3,3 %)	218 (0,6 %)
2008	801	37.496	62 (7,7 %)	46 (5,8 %)	260 (0,7 %)