Commission Delegated Regulation (EU) 2019/624 of 8 February 2019 concerning specific rules for the performance of official controls on the production of meat and for production and relaying areas of live bivalve molluscs in accordance with Regulation (EU) 2017/625 of the European Parliament and of the Council (Text with EEA relevance)

COMMISSION DELEGATED REGULATION (EU) 2019/624

of 8 February 2019

concerning specific rules for the performance of official controls on the production of meat and for production and relaying areas of live bivalve molluscs in accordance with Regulation (EU) 2017/625 of the European Parliament and of the Council

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation)[(1)], and in particular Article 18(7) thereof,

Whereas:

(1) Regulation (EU) 2017/625 lays down rules for the official controls and other official activities performed by the competent authorities of the Member States in order to verify that matters such as food safety comply with Union legislation at all stages of the production, processing and distribution process. In particular, it provides for official controls to be performed on products of animal origin intended for human consumption in order to verify compliance with the requirements laid down in Regulation (EC) No 852/2004 of the European Parliament and of the Council[(2)], Regulation (EC) No 853/2004 of the European Parliament and of the Council[(3)], Regulation (EC) No 1069/2009 of the European Parliament and of the Council[(4)] and Council Regulation (EC) No 1099/2009[(5)].

(2) Regulation (EU) 2017/625 repeals Regulation (EC) No 854/2004 of the European Parliament and of the Council[(6)] with effect from 14 December 2019. Regulation (EC) No 854/2004 currently lays down specific rules for the organisation of official

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controls on products of animal origin intended for human consumption in order to verify compliance with the requirements of Regulations (EC) No 852/2004, (EC) No 853/2004 and (EC) No 1069/2009. It also provides for the possibility to grant certain derogations from those requirements.

(3) The rules laid down in this Regulation should ensure a continuation of the requirements currently laid down in Regulation (EC) No 854/2004, taking into account the experience gained since the date of adoption of that act, as well as new scientific evidence and notified national rules to ensure the continued use of traditional methods at any stage of food production, processing and distribution.

(4) Regulation (EU) 2017/625 provides for delegated acts to be adopted, laying down the criteria and conditions for derogations from certain requirements of that Regulation, so that ante-mortem and post-mortem inspections can be performed under the responsibility of the official veterinarian, instead of being performed or supervised by the official veterinarian. These delegated acts should also lay down the criteria and conditions under which official controls may be performed by other staff designated by the competent authorities in cutting plants.

(5) Ante-mortem inspection is essential for the protection of human health, animal health and animal welfare and therefore remains the responsibility of the official veterinarian. However, certain routine tasks within ante-mortem inspection in slaughterhouses might be carried out by the official auxiliary without compromising the achievement of the objectives of Regulation (EU) 2017/625, provided certain criteria and conditions are complied with.

(6) In particular, if ante-mortem inspection has been carried out by the official veterinarian at the holding of provenance, more flexibility should be given to the ante-mortem inspection at arrival in the slaughterhouse which might be carried out under the responsibility of the official veterinarian. However, when no ante-mortem inspection took place at the holding of provenance, the delegation of tasks should only be allowed if the inspections are supervised by the official veterinarian, subject to certain criteria and conditions for species other than poultry and lagomorphs.

(7) In the event of emergency slaughter, ante-mortem inspection cannot be carried out in the slaughterhouse. In order to avoid causing the animal unnecessary suffering by transporting it to a slaughterhouse, and to limit economic losses for operators and reduce food waste, criteria and conditions should be laid down permitting ante-mortem inspection to be performed outside the slaughterhouse in the event of an emergency slaughter. Animals subject to emergency slaughter may still be fit for human consumption subject to a favourable meat inspection. These inspections should provide maximal guarantees of the fitness for consumption when allowing emergency slaughter outside the slaughterhouse.

(8) It might be more efficient to evaluate human health, animal health and animal welfare requirements by carrying out ante-mortem inspections at the holding of provenance instead of in the slaughterhouse. Derogations from ante-mortem inspections in the slaughterhouse should therefore be allowed in all species, subject to certain criteria.

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(9) While post-mortem inspections and auditing activities are essential to protect human health, animal health and animal welfare and should therefore remain the responsibility of the official veterinarian, certain tasks may be carried out by the official auxiliary provided sufficient guarantees are met for these objectives and if certain criteria and conditions are complied with. These criteria and conditions should allow, in particular, a continuation of current practices in the case of discontinuous slaughter in low-capacity slaughterhouses and low-capacity game-handling establishments.

(10) Certain criteria and conditions need to be defined for derogating from the basic requirements on ante-mortem and post-mortem inspection in slaughterhouses and game-handling establishments. A threshold of production is a non-discriminatory criterion, focussing on the smallest establishments in accordance with Article 16(3)(a) of Regulation (EU) 2017/625. Since the structure of these establishments varies between Member States, this threshold should be based on the number of animals slaughtered or handled or on the demonstration that the threshold represents a limited and fixed percentage of the meat placed on the market. Regulation (EC) No 1099/2009 defines livestock units and lays down conversion rates to express the number of animals of a certain species in such livestock units. These provisions should be used to set thresholds and harmonise derogations from certain requirements based on the size of a slaughterhouse.

(11) Certain tasks in cutting plants may be carried out by staff designated by the competent authorities without jeopardising the objectives of protecting human health, animal health and animal welfare if certain criteria and conditions are complied with.

(12) Official controls on the production of bivalve molluscs are necessary to ensure compliance with the criteria and targets laid down in Union legislation. In accordance with Part A of Chapter II of Section VII of Annex III to Regulation (EC) No 853/2004, live bivalve molluscs are to be harvested from production areas classified by the competent authorities and from which they authorise the harvesting. Regulation (EU) 2017/625 provides for delegated acts to be adopted, laying down the criteria and conditions to determine, in relation to *Pectinidae*, marine gastropods and *Holothuroidea*, when production and relaying areas need not be classified.

(13) The place where official controls are to be performed on the production of these *Pectinidae*, marine gastropods and *Holothuroidea* which are not filter feeders should also be established.

(14) Regulation (EU) 2017/625 also provides for the possibility to lay down specific derogations for official controls in respect to *Rangifer tarandus tarandus* (reindeer), *Lagopus lagopus* and *Lagopus mutus* (grouse) in order to allow the continuation of longstanding local and traditional customs and practices.

(15) In accordance with Article 17(3) of Regulation (EC) No 854/2004, Member States were allowed to adopt national measures to enable the continued use of traditional methods or to accommodate the needs of food business with a low throughput or that are situated in regions that are subject to special geographic constraints. On this basis, Sweden and Finland have notified national measures with specific derogations from certain

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requirements for official controls on the meat of reindeer and on the meat of grouse to the Commission and to the other Member States. Since Regulation (EU) 2017/625 no longer allows such adaptation by national measures, derogations should be laid down in this Regulation for official controls covering reindeer and grouse in order to allow the continuation of longstanding local and traditional customs and practices which do not affect the achievement of the objectives of Regulation (EU) 2017/625.

(16) Regulation (EU) 2017/625 lays down specific minimum requirements for the staff designated by the competent authorities and for the official veterinarians and for official auxiliaries involved in official controls and certain other official activities. It also lays down minimum training requirements for slaughterhouse staff involved in official controls and certain other control activities.

(17) Specific minimum requirements for official veterinarians, official auxiliaries and other staff designated by the competent authorities should be laid down in order to maintain high and adequate performance of their tasks and therefore ensure a high level of protection of consumers, animal health and animal welfare. These should include specific minimum training requirements. Sufficient flexibility should be provided to adapt the requirement to the tasks to be performed taking into account working experience.

(18) In order to maintain high and adequate performance, appropriate minimum training requirements should also be laid down for slaughterhouse staff assisting in the performance of tasks related to the official controls and other official control activities laid down in the Regulation.

(19) As Regulation (EU) 2017/625 repeals Regulation (EC) No 854/2004 with effect from 14 December 2019, this Regulation should also apply from that date,

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter and scope

This Regulation lays down specific rules concerning the performance of the official controls referred to in Article 18(1) of Regulation (EU) 2017/625 carried out on products of animal origin.

Those specific rules cover:

(a) criteria and conditions to determine

(i) when the ante-mortem inspection in certain slaughterhouses may be performed under the supervision or under the responsibility of an official veterinarian;

(ii) when the ante-mortem inspection may be performed outside the slaughterhouse in case of emergency slaughter;

(iii) when the ante-mortem inspections may be performed at the holding of provenance;

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(iv) the guarantees to be in place for the performance of post-mortem inspections and auditing activities under the responsibility of the official veterinarian as referred to in Article 18(2)(c) and (d) of Regulation (EU) 2017/625;

(v) derogations from Article 18(6) of Regulation (EU) 2017/625 regarding the classification of production and relaying areas in relation to *Pectinidae*, marine gastropods and *Holothuroidea*;

(vi) where the official controls in cutting plants may be performed by staff designated by the competent authorities for that purpose and who are appropriately trained;

(b) the establishment of specific derogations in respect of *Rangifer tarandus tarandus*, *Lagopus lagopus* and *Lagopus mutus* in order to allow the continuation of longstanding local and traditional customs and practices;

(c) the establishment of specific minimum requirements, including training requirements for the official veterinarian, the official auxiliary and the staff designated by the competent authorities, to ensure adequate performance of the tasks described in Article 18 of Regulation (EU) 2017/625;

(d) the establishment of appropriate minimum training requirements for slaughterhouse staff who assist in performing the tasks described in Article 18(3) of Regulation (EU) 2017/625.

Article 2

Definitions

The following definitions shall apply for the purpose of this Regulation:

(1) ‘slaughterhouse’ means slaughterhouse as defined in point 1.16 of Annex I of Regulation (EC) No 853/2004;

(2) ‘holding of provenance’ means the holding where the animals were last reared. In the case of semi-domesticated cervids as defined in point 2(q) of Annex I to Regulation (EC) No 999/2001 of the European Parliament and of the Council[(7)], it includes round-ups intended to select animals for slaughter;

(3) ‘production area’ means a production area as defined in point 2.5 of Annex I of Regulation (EC) No 853/2004;

(4) ‘relaying area’ means a relaying area as defined in point 2.6 of Annex I of Regulation (EC) No 853/2004;

(5) ‘staff designated by the competent authorities’ means a person other than the official auxiliary and the official veterinarian, who is qualified in accordance with this Regulation to act in such a capacity in cutting plants and to whom the competent authorities assign the performance of specific actions;

(6) ‘risk analysis’ means risk analysis as defined in Article 3(10) of Regulation (EC) No 178/2002 of the European Parliament and of the Council[(8)];

(7) ‘cutting plant’ means a cutting plant as defined in point 1.17 of Annex I of Regulation (EC) No 853/2004;