Commission Implementing Regulation (EU) 2017/1184 of 20 April 2017 laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the Union scales for the classification of beef, pig and sheep carcasses and as regards the reporting of market prices of certain categories of carcasses and live animals

COMMISSION IMPLEMENTING REGULATION (EU) 2017/1184

of 20 April 2017

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THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007[(1)], and in particular Article 20(c), (p), (q), (r), (s) and (u) and Article 223(3)(c) and (d) thereof,

Having regard to Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008[(2)], and in particular Article 62(2) (a), (b) and (c) thereof,

Whereas:

(1) Regulation (EU) No 1308/2013 has repealed and replaced Council Regulation (EC) No 1234/2007[(3)]. Section 1 of Chapter I of Title I of Part II of Regulation (EU) No 1308/2013 contains rules on public intervention and aid for private storage, including the classification of beef, pig and sheep carcasses and the reporting of prices thereof, and empowers the Commission to adopt delegated and implementing acts in that respect. In order to ensure the smooth functioning of the Union scales for the classification of beef, pig and sheep carcasses and to establish comparable market prices for carcasses and live animals in the new legal framework, certain rules should be adopted by means of such acts. The new rules should replace Commission Regulations (EC) No 315/2002[(4)], (EC) No 1249/2008[(5)] and (EU) No 807/2013[(6)]. Those Regulations are repealed by Commission Delegated Regulation (EU) 2017/1182[(7)].

(2) In order to ensure transparency towards the suppliers, the slaughterhouse, the classification agency or the qualified classifier who have carried out the classification of bovine animals aged eight months or more, or of pigs or sheep should inform the supplier of the result of the classification of the animals delivered for slaughter. That

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communication should include elements such as classification result, carcass weight, carcass presentation and, where applicable, information that classification has been carried out by automated grading technique.

(3) The reliability of the classification of carcasses of bovine animals aged eight months or more, pigs and sheep should be verified by regular on-the-spot checks carried out by bodies that are independent from the inspected establishments, the classification agencies and the qualified classifiers. The conditions and minimum requirements for these checks should be laid down, including the reporting of the on-the-spot checks carried out as well as the follow-up actions. In order to give more flexibility to the Member States to carry out on-the-spot checks depending on their needs, it is necessary to provide for the possibility of carrying out a risk assessment.

(4) In order to obtain comparable market prices in the Union, it is necessary to define a reference carcass presentation that influences the weight and the correct price of the carcass. To adjust the presentations used in some Member States to the Union reference carcass presentation certain corrective factors should also be determined.

(5) For the purpose of the recording of prices, Member States should decide whether their territory is divided, and if so, into how many regions. As the United Kingdom has expressed its intention to keep the division of its territory into two regions, for reason of transparency it is appropriate to provide that price recording for the United Kingdom should relate to two regions, namely Great Britain and Northern Ireland.

(6) In order to ensure that the prices of carcasses and live animals are representative of the Member States' production in the beef, pig and sheep sectors, it is necessary to define the categories, classes and types as well as to set out the criteria defining establishments or persons for which the price recording should be compulsory.

(7) The practical method to be used by Member States to calculate average weekly prices should be laid down. These prices should be reported and notifications should be made to the Commission in accordance with Commission Implementing Regulation (EU) 2017/1185[(8)] except for those notifications that are necessary for the organization of on-the-spot inspections or that serve a basis for having a complete overview of the meat market.

(8) In order to ensure a uniform application of the Union scales for the classification of beef, pig and sheep carcasses, provisions should be made for on-the-spot inspections to be carried out by a Union Inspection Committee composed of experts from the Commission and experts appointed by the Member States. Rules should be laid down regarding the composition and functioning of that Committee.

(9) In view of the need to allow Member States to adapt to the new legal framework, this Regulation should apply 12 months after its entry into force.

(10) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the Common Organisation of the Agricultural Markets,

HAS ADOPTED THIS REGULATION:

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CHAPTER I

CLASSIFICATION OF CARCASSES AND ON-THE-SPOT CHECKS

Article 1

Communication of the classification results

1 The slaughterhouses, the classification agencies or the qualified classifiers provided for in Article 9(1)(a) of Delegated Regulation (EU) 2017/1182 carrying out the classification in accordance with points A.II, A.III, B.II, C.II and C.III of Annex IV to Regulation (EU) No 1308/2013 shall communicate to the supplier of the animal, the results of the classification. That communication shall be, in paper form or by electronic means and shall indicate per carcass:

a the classification results by means of the corresponding letters and figures referred to in points A.II, A.III, B.II, C.II and C.III of Annex IV to Regulation (EU) No 1308/2013, respectively;

b the carcass weight established in accordance with Article 7 of Delegated Regulation (EU) 2017/1182, specifying whether it relates to the warm or cold weight;

c the carcass presentation applied at the moment of weighing and classifying on the hook; the indication of the carcass presentation shall not be compulsory if only one single carcass presentation is allowed within the territory or a region of the Member State concerned in accordance with the national legislation;

d where applicable, that classification has been carried out using an automated grading technique.

2 Member States may require that the communication referred to in paragraph 1(a) includes subclasses, where such information is available.

Article 2

On-the-spot checks

1 On-the-spot checks shall be carried out in all slaughterhouses applying the compulsory carcass classification as referred to in the first paragraph of Article 10 of Regulation (EU) No 1308/2013.

2 The performance of the qualified classifiers and the applied grading methods as well as the classification, presentation and identification of the carcasses in the slaughterhouses referred to in points A.II, A.III, A.V, B.II, B.V, C.II, C.III, C.IV and C.V of Annex IV to Regulation (EU) No 1308/2013 shall be checked on the spot and without prior warning by a body independent of the slaughterhouses, the classification agencies and the qualified classifiers.

The requirement to be independent of the classification agencies and the qualified classifiers shall not apply where the competent authority of a Member State itself carries out such controls.

3 Where the body responsible for on-the-spot checks does not fall under the authority of a competent authority, the competent authority shall verify that the on-the-spot checks are carried out correctly at least once a year, by means of physical supervision under the same conditions.

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Article 3

Minimum requirements of the on-the-spot checks

1 Where a risk assessment is carried out in a Member State to determine the minimum requirements for on-the-spot checks, the frequency of those checks and the minimum number of carcasses to be checked shall be determined on the basis of such risk assessment, particularly taking into account the number of animals slaughtered in the slaughterhouses concerned and the findings during previous on-the-spot checks in these slaughterhouses.

2 Where a risk assessment is not carried out in a Member State, on-the-spot checks shall be performed as follows:

a in all slaughterhouses which slaughter 150 or more bovine animals aged eight months or more per week as an annual average, at least twice every three months; each on-the-spot check shall relate to at least 40 carcasses selected at random or, if less than 40 carcasses are available, to all carcasses;

b in all slaughterhouses which slaughter 500 pigs or more per week as an annual average, at least twice every three months;

c Member States shall determine the frequency of the on-the-spot checks and the minimum number of carcasses to be checked for slaughterhouses which:

(i) slaughter less than 150 bovine animals aged eight months or more per week as an annual average;

(ii) slaughter less than 500 pigs per week as an annual average;

(iii) carry out sheep carcass classification.

3 The on-the-spot checks shall verify in particular:

a the category of the beef and sheep carcass;

b the classification, weighing and marking of the carcasses;

c the accuracy of the beef and sheep automated grading methods by using a system of points and limits that determines the ongoing accuracy of the grading method;

d the carcass presentation;

e if appropriate, the daily function test as well as any other technical aspects of grading methods;

f the daily control reports as referred to in Article 12(1)(b) of Delegated Regulation (EU) 2017/1182.

Article 4

Reports and revoking of licences and approvals

1 The competent authority shall make and keep reports on the on-the-spot checks provided for in Article 2.

2 In cases where a significant number of incorrect classifications, presentations or identifications or where the application of automated grading technique failing to comply with the rules is ascertained during the on-the-spot checks provided for in Article 2, the licences or approvals granted to qualified classifiers or automated grading technique as provided for in Article 9 of Delegated Regulation (EU) 2017/1182 may be revoked. In cases of an error on

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category, conformation or fat cover the body responsible for on-the-spot checks may ask the operator to rectify it on the marking of the carcass and in the documents concerned.

CHAPTER II

RECORDING AND REPORTING OF MARKET PRICES FOR CARCASSES AND LIVE ANIMALS

Article 5

Presentation of carcasses

1 Where the presentation of the carcass at the moment of weighing and classifying on the hook, differs from that provided for in Annex IV to Regulation (EU) No 1308/2013 and in Article 6 of Delegated Regulation (EU) 2017/1182, the warm weight of the carcass shall be adjusted by application of the corrective factors.

For carcasses of pigs, bovine animals aged less than eight months and sheep the corrective factors shall be specified by the Member States.

For carcasses of bovine animals aged eight months or more the corrective factors are as set out in the Annex to this Regulation.

2 Where the adjustments referred to in paragraph 1 are the same throughout the territory of a Member State, they may be calculated at national level. Where such adjustments vary from one slaughterhouse to another, they shall be calculated at slaughterhouse level.

Article 6

Territorial division for the recording of market prices for carcasses

Member States shall decide whether their territory is to comprise a single region or whether to divide it into more than one region. This decision shall be taken on the basis of:

(a) the size of their territory;

(b) the existence, if any, of administrative divisions;

(c) geographical variations in prices.

For the purpose of recording of market prices for beef carcasses, the United Kingdom shall comprise at least two regions, namely Great Britain and Northern Ireland, which may be subdivided on the basis of the criteria referred to in the first paragraph.

Article 7

Classes for recording of market prices for beef carcasses

Recording of market prices on the basis of the Union scales referred to in Article 10 of Regulation (EU) No 1308/2013 shall relate to the categories specified in point A.II of Annex IV to that Regulation and to the following conformation and fat cover classes: