Commission Delegated Regulation (EU) 2017/1182 of 20 April 2017 supplementing 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 DELEGATED REGULATION (EU) 2017/1182

of 20 April 2017

supplementing 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

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 19(6)(a) to (d), Article 223(1) and Article 223(2)(a) thereof,

Whereas:

(1) Regulation (EU) No 1308/2013 has repealed and replaced Council Regulation (EC) No 1234/2007[(2)]. 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 the implementing rules of Commission Regulations (EC) No 315/2002[(3)], (EC) No 1249/2008[(4)] and (EU) No 807/2013[(5)].

(2) Article 10 of Regulation (EU) No 1308/2013 provides that Union scales for the classification of carcasses laid down in point A of Annex IV to that Regulation are to apply to bovine animals aged eight months or more. In order to ensure a uniform application, it is appropriate to allow Member States to make the application of the Union scale compulsory for carcasses of bovine as of a specific age determined on the basis of the identification and registration system provided for by Regulation (EC) No 1760/2000 of the European Parliament and of the Council[(6)]. That identification and registration system should also be used for the division of carcasses into categories as referred to in point A.II of Annex IV to Regulation (EU) No 1308/2013.

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(3) In order to reduce administrative burden, Member States should have the possibility to grant derogations from the general obligation to classify carcasses to small scale establishments. On the basis of experience gained with the application of the Union scale for classification, it is appropriate to provide for such derogations for slaughterhouses which slaughter, as an annual average per week, less than 150 bovine animals aged eight months or more or less than 500 pigs. Nevertheless, Member States may determine lower limits depending on their national conditions, especially in order to ensure the representativeness of price reporting.

(4) As certain slaughterhouses fatten, in their own establishments, bovine animals aged eight months or more and pigs, there is no market price to be recorded for the carcasses of such animals. Therefore, the application of the compulsory Union classification scales is unnecessary in these cases. It is therefore appropriate to allow the Member States having this practice to derogate from the rules on compulsory carcass classifications as regards these carcasses. This derogation should be also allowed for the classification of carcasses of local pig breeds with a particular anatomical body composition or particular modes of marketing when they make the homogeneous and standardised classification of carcasses impossible.

(5) In order to take account of the specificities of establishments and seasonal sheep slaughtering, it is appropriate to enable the Member States applying the sheep carcass classification provided for in Article 10 of Regulation (EU) No 1308/2013 to exempt from this classification some slaughterhouses on the basis of objective and non-discriminatory criteria.

(6) In order to ensure the uniform classification of the carcasses of bovine animals aged eight months or more and of sheep in the Union, it is necessary to make more precise the definitions of the classes of conformation and fat cover, carcass weight and colour of meat referred to in points A.III and C.III of Annex IV to Regulation (EU) No 1308/2013. However, other criteria may be used for the carcasses of lambs of less than 13 kg weight.

(7) Point A.III of Annex IV to Regulation (EU) No 1308/2013 provides for a conformation class S for carcasses obtained from bovine of the double muscled carcass type. Given that this exceptional conformation class is marketed only in some Member States, it is appropriate to provide that Member States have the option not to make use of the conformation class S.

(8) As the lean meat percentage of pig carcasses has increased steadily, the majority of pig carcasses are classified only in two classes. It is therefore necessary to allow Member States to further subdivide into subclasses the pig carcass classification classes laid down in point B.II of Annex IV to Regulation (EU) No 1308/2013, in order to ensure the differentiation of pig carcasses.

(9) Taking into account the market requirements for the determination of the commercial value of the pig carcass, assessment criteria in addition to weight and the estimated lean-meat content should also be authorised.

(10) In order to ensure the comparable market prices, point A.IV of Annex IV to Regulation (EU) No 1308/2013 sets out a standard carcass presentation. To reflect certain market

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demands in respect of carcass presentation, it is necessary to provide that Member States may apply a presentation of carcasses different from the one laid down in point A.IV of Annex IV to Regulation (EU) No 1308/2013 by application of corrective factors, for the purpose of establishing market prices.

(11) In order to take into account the traditional practices of some Member States relating to the removal of external fat, it is appropriate to allow those Member States to continue to make use of such practices, providing certain requirements are fulfilled.

(12) In order to ensure the accurate application of the Union classification scales and to improve market transparency, the conditions and practical methods for classification, weighing and marking of carcasses of bovine animals aged eight months or more and of pigs and of sheep, should be specified.

(13) In the case of a technical breakdown of the automated grading method, it is appropriate to provide for certain derogations, in particular concerning the time limit for classifying and weighing carcasses.

(14) The marking of carcasses should be carried out at the time of classification. Member States may decide not to mark the carcasses where official record keeping provides for the link between the carcasses and the classification results, in particular when carcasses are processed into cuts immediately after the carcass classification, which makes the marking of carcasses unnecessary.

(15) In order to ensure the accuracy and reliability of the classification of carcasses of bovine animals aged eight months or more, of pigs and of sheep, that classification should be carried out by qualified classifiers having the necessary licence or approval or by using an authorised grading method.

(16) With a view to authorising grading methods to direct assessment of the conformation and fat cover of carcasses of bovine animals aged eight months or more and of sheep, as well as of the lean meat percentage of carcasses of pigs, grading methods may be introduced when they are based on statistically proven methods. The authorisation of grading methods should be subject to compliance with certain conditions and requirements.

(17) Provisions should be made for the possibility to modify, after a licence was granted, the technical specifications of the automated grading methods for the classification of carcasses of bovine animals aged eight months or more and of sheep, with a view to ensure the accuracy of those specifications.

(18) The value of a pig carcass is determined in particular by its lean meat percentage in relation to its weight. The lean meat percentage is assessed by a grading method that should consist of an automated, semi-automated or manual grading technique and an assessment formula. The assessment formula should be made by measuring certain anatomical parts of the carcass by means of authorised and statistically proven methods. In order to ensure that the statistically proven methods are applied on an objective basis, it is necessary to inform the experts of Member States by means of protocols on the authorisation test and consult with these experts on the results of the test. While various methods can be applied for the assessment of the lean meat percentage of a pig carcass,

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it is necessary to ensure that the choice of the method does not affect the estimated lean meat percentage.

(19) With a view to monitoring the comparable market prices of carcasses and live animals, it is necessary to provide that the price recording should refer to a well-defined marketing stage. It is necessary to determine the types of animals to which the price reporting relates.

(20) The market prices of the different types of animals should be reported to the Commission in accordance with Commission Implementing Regulation (EU) 2017/1184[(7)], which should serve as the basis for the determination of weighted average prices at Union level.

(21) If a Member State has defined regions for the purpose of this Regulation, the regional prices determined should be taken into account in the national price calculation. In cases where any supplementary payments are made to suppliers of animals, establishments or persons that are obliged to report prices should be obliged to inform the competent authority about the supplementary payment in order to correct the national average price.

(22) In order to ensure market monitoring and to compare price developments with certain reference prices laid down in Regulation (EU) No 1308/2013, it is necessary to calculate average Union prices for certain carcasses and live animals on the basis of certain information submitted by the Member States annually.

(23) With a view to monitoring the reporting of carcass prices of bovine animals aged eight months or more and pigs, and calculating the weighting coefficients per categories, Member States should be obliged to notify the Commission periodically of certain information in accordance with Commission Implementing Regulation (EU) 2017/1185[(8)] except for those notifications that are necessary for the organisation of on-the-spot inspections or that serve a basis for having a complete overview of the meat market.

(24) For the sake of clarity and legal certainty, Regulations (EC) No 315/2002, (EC) No 1249/2008 and (EU) No 807/2013 should be repealed.

(25) 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,

HAS ADOPTED THIS REGULATION:

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CHAPTER I

UNION SCALES FOR THE CLASSIFICATION OF CARCASSES

Article 1

Identification of age and categories of bovine animals

The age of the bovine animals for the determination of the categories as referred to in point A.II of Annex IV to Regulation (EU) No 1308/2013 shall be verified on the basis of the information available in the bovine animal identification and registration system established in each Member State in accordance with Title I of Regulation (EC) No 1760/2000.

Article 2

Derogations from the compulsory classification of carcasses

1 Member States may decide that the requirements on classification of carcasses of bovine animals and of pigs, laid down in points A.V and B.II of Annex IV to Regulation (EU) No 1308/2013, respectively, shall not be compulsory for slaughterhouses which slaughter:

a less than 150 bovine animals aged eight months or more per week as an annual average;

b less than 500 pigs per week as an annual average.

Member States may determine a lower limit, in particular to ensure the representativeness of price recording as referred to in Article 8(2) of Implementing Regulation (EU) 2017/1184.

2 Member States may decide that the requirements on classification of carcasses of bovine animals and pigs shall not be compulsory:

a for carcasses of bovines and pigs owned by the slaughterhouse if no commercial transaction in purchasing these animals takes place;

b for carcasses of pigs of clearly defined local breeds or with particular modes of marketing if their anatomical body composition makes the homogeneous and standardised classification of carcasses impossible.

3 Member States that apply classification of sheep carcasses pursuant to the second paragraph of Article 10 of Regulation (EU) No 1308/2013 may decide, based on objective and non-discriminatory criteria, that the requirements on classification of sheep carcasses shall not be compulsory for certain slaughterhouses.

4 Member States shall notify the Commission if they decide to apply any of the derogations laid down in paragraphs 1, 2 and 3 of this Article.

Article 3

Additional provisions regarding the classes of conformation, fat cover and carcass weight for bovine animals and sheep

1 Additional provisions regarding the definitions of the classes of conformation and fat cover for carcasses of bovine animals aged eight months or more and sheep referred to in points