Commission Implementing Regulation (EU) No 1362/2013 of 11 December 2013 laying down the methods for the sensory testing of uncooked seasoned poultry meat for the purposes of its classification in the Combined Nomenclature

COMMISSION IMPLEMENTING REGULATION (EU) No 1362/2013

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laying down the methods for the sensory testing of uncooked seasoned poultry meat for the purposes of its classification in the Combined Nomenclature

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff[(1)], and in particular Article 9(1)(a) thereof,

Whereas:

(1) Additional Note 6(a) to Chapter 2 of the Combined Nomenclature annexed to Regulation (EEC) No 2658/87 defines ‘uncooked seasoned meat’ as ‘uncooked meat that has been seasoned either in depth or over the whole surface of the product with seasoning either visible to the naked eye or clearly distinguishable by taste’.

(2) In order to ensure that customs authorities apply a uniform approach for the purposes of customs classification, it is necessary to lay down methods for determining whether or not uncooked poultry meat is seasoned within the meaning of Additional Note 6(a) to Chapter 2 of the Combined Nomenclature.

(3) In the light of studies carried out by the Group of European Customs Laboratories, the methods to verify whether uncooked poultry meat is seasoned or not should consist of, firstly, a visual examination and, secondly, the tasting of a sample.

(4) The method consisting in the tasting of a sample should be applied only where the visual examination method does not lead to conclusive results.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The methods used to determine whether or not uncooked poultry meat is seasoned for the purposes of classification in the Combined Nomenclature shall be laid down in the Annex.

Article 2

1 The visual examination of poultry meat shall be carried out by means of the method and under the conditions set out in Part I of the Annex.

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The aim of the visual examination is to establish whether or not the poultry meat has been seasoned over the whole surface and whether the seasoning is visible to the naked eye.

2 The tasting of poultry meat shall be carried out by means of the method and under the conditions set out in Part II of the Annex.

The tasting shall only be undertaken in cases where, based on the results of the visual examination, it is not established that the sample has been seasoned over the whole surface and that the seasoning is visible to the naked eye.

The aim of the tasting is to establish whether the poultry meat has been seasoned in depth or over the whole surface and whether the seasoning is clearly distinguishable by taste.

The preparations of the tasting shall be carried out only on the premises fulfilling the minimum equipment requirements set out in point (2) of Part II of the Annex.

Article 3

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 11 December 2013.

For the Commission, On behalf of the President,

Algirdas ŠEMETA

Member of the Commission

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) No 1362/2013. (See end of Document for details)*

ANNEX

PART I:

VISUAL EXAMINATION OF SEASONED POULTRY MEAT

1. Objective and definition

The objective of this method is to determine whether uncooked seasoned poultry meat has to be classified in Chapter 2 or in Chapter 16 of the Combined Nomenclature because it can be established that:

(1) the seasoning covers the whole surface of the sample and

(2) the seasoning is visible to the naked eye.

The method consists of a visual examination of one or more samples of uncooked poultry meat.

2. Preparation of samples

Any sample is to be taken from a declared lot. Only an unopened original package is to be sampled. The sample may be packaged in a box or vacuum-packaged in plastic.

In the case of frozen uncooked meat the sample is to be thawed (for example in a refrigerator at a low temperature of 4 °C). The discharge of fluid is to be to be limited to a minimum.

Relevant information about the packaging and/or about the samples is to be registered or photographed and included in the test report referred to in point 4.

3. Carrying out of the visual examination

The sample is to be visually examined after removal of the packaging.

The sample is to be examined by at least two assessors.

When carrying out the visual examination, the assessors must take account of the following factors:

(a) not each part of the surface of the sample needs to be seasoned up to the same degree;

(b) absence of seasoning on creases or folds of the loosened inner fillet is unimportant for determining whether or not the seasoning has been applied over the whole surface;

(c) observation of white pepper is more difficult than that of black pepper;

(d) observation of pepper on a surface of lightly coloured meat (for example, breast meat) is easier than the observation of pepper on a surface of dark coloured meat (for example, thigh bone meat).

4. Evaluation of results

All the assessors must come to the same conclusion on whether or not the sample has been seasoned over the whole surface and whether or not the seasoning is visible to the naked eye.

They must fill in the test report on the visual examination of uncooked seasoned poultry meat. The specimen of the test report form is set out in Appendix 1.

Where all the assessors do not arrive at the same conclusion with regard to a certain sample, or where they all arrive at the conclusion that the sample has not been seasoned over the whole

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surface or that the seasoning is not visible to the naked eye, the sample must be tested in accordance with Part II.

5. Explanatory pictures

The enclosed pictures show how samples are to be assessed during the visual examination.

The pictures are of peppered poultry meat but the explanations given below each picture may also apply to other spices.

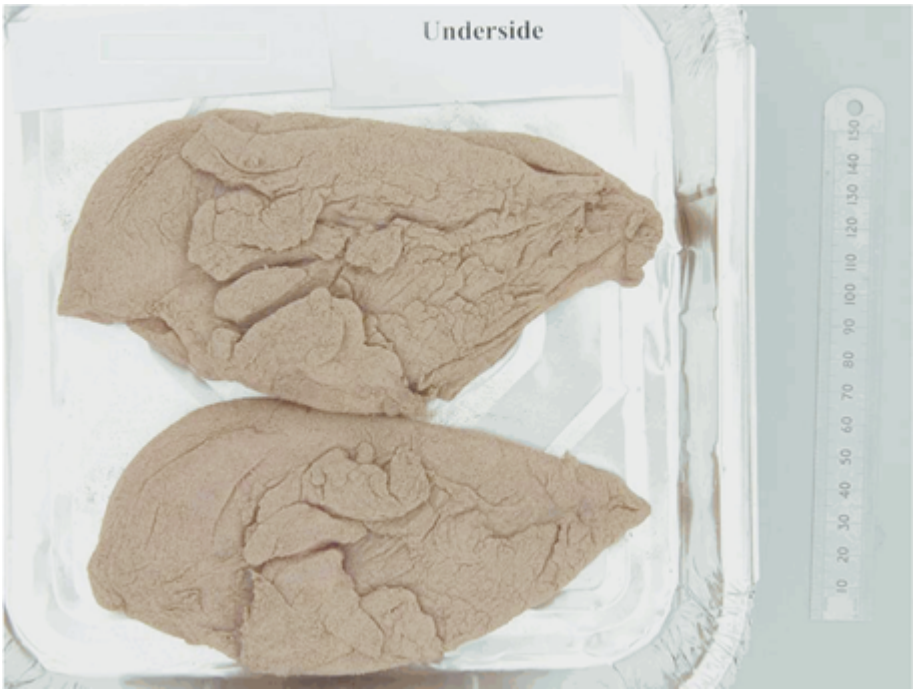
In the pictures ‘TOP’ refers to the outer surface of the poultry breast and ‘UNDERSIDE’ refers to the surface of the poultry breast exposed when cut from the bone.

Picture 1A

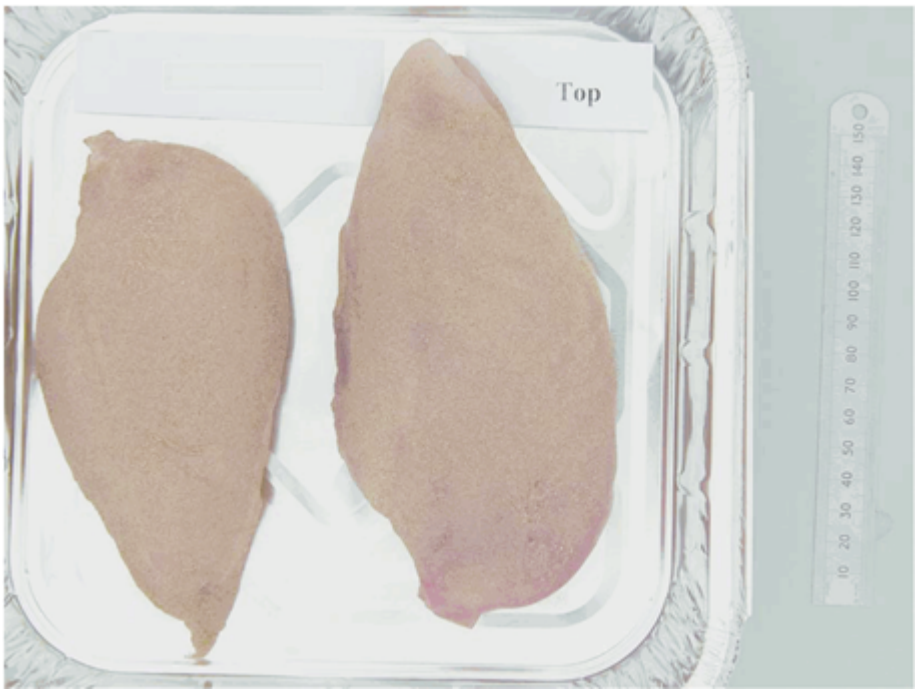


Picture 1B

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Picture 2A



Picture 2B