Commission Implementing Regulation (EU) No 1337/2013 of 13 December 2013 laying down rules for the application of Regulation (EU) No 1169/2011 of the European Parliament and of the Council as regards the indication of the country of origin or place of provenance for fresh, chilled and frozen meat of swine, sheep, goats and poultry

COMMISSION IMPLEMENTING REGULATION (EU) No 1337/2013

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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 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004[(1)], and in particular Article 26(8) thereof,

Whereas:

(1) Article 26(2) of Regulation (EU) No 1169/2011 sets out the obligation to indicate the country of origin or place of provenance on the label of meat falling within the Combined Nomenclature codes listed in Annex XI to that Regulation, i.e. fresh, chilled and frozen meat of swine, sheep or goats and poultry.

(2) A balance needs to be struck between the need of the consumers to be informed and the additional cost for operators and national authorities, which finally has an impact on the final price of the product. The impact assessment and a study commissioned by the Commission examined several options for indicating the country of origin or place of provenance with respect to the most relevant stages of the life of the animals. The results show that consumers require foremost the information on the place where the animal was reared. At the same time, providing mandatory information on the place of birth of the animal would require the establishment of new traceability systems at farm level with the respective costs stemming therefrom, while labelling the place of slaughter can be done at an affordable cost and gives valuable information to the consumer. As regards the geographical level there is evidence that indication of the Member State or third country would be the most relevant information for consumers.

(3) Within Regulation (EU) No 1169/2011 the concept of ‘country of origin’ of a food is determined in accordance with Articles 23 to 26 of Council Regulation (EEC) No

Changes to legislation: *There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 1337/2013. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

2913/92[(2)]. For animal products that concept refers to the country in which the product is wholly obtained which applied to meat means the country in which the animal was born, reared and slaughtered. When several countries have been involved in the production of a food, that concept refers to the country where the products have undergone their last substantial and economically justified processing or working. However, applying it to situations in which the meat comes from animals which were born, reared and slaughtered in different countries would not sufficiently inform the consumers about the origin of that meat. Therefore, in all those situations it is necessary to provide for an indication, on the label, of the Member State or third country where the animal has been reared for a period representing a substantial part of the normal cycle of rearing for each species, as well as of the Member State or third country where it has been slaughtered. The term 'origin' should be reserved for meat obtained from animals born, reared and slaughtered, and therefore wholly obtained, in one single Member State or third country.

(4) For the cases in which the animal has been reared in several Member States or third countries and the rearing period cannot be met, an appropriate indication of the place of rearing should be provided for so that the consumer needs are better met and unnecessary complexity of the label is avoided.

(5) In addition, rules should be laid down for packages containing pieces of meat of the same or different species obtained from animals reared and slaughtered in different Member States or third countries.

(6) This labelling system requires traceability rules at all stages of production and distribution of the meat, from slaugthering until packaging to ensure the link between the labelled meat and the animal or group of animals from which that meat has been obtained.

(7) Specific rules should be provided for meat imported from third countries where the information required for labelling is not available.

(8) As regards minced meat and trimmings, given the characteristics of their production processes, operators should be allowed to make use of a simplified system of indications.

(9) In view of the commercial interest of the information to be provided under this Regulation, food business operators should be given the possibility to add to the mandatory indications on the label other elements referring to the provenance of the meat.

(10) As the relevant provisions of Regulation (EU) No 1169/2011 are applicable from 13 December 2014, and Article 47 thereof provides for application of the implementing rules under that Regulation as from 1 April in each calendar year, this Regulation should start to apply on 1 April 2015.

(11) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

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Article 1

Subject matter and scope

This Regulation lays down rules on the indication of the country of origin or place of provenance on the label of fresh, chilled and frozen meat of swine, meat of sheep or goats and meat of poultry, falling within the respective Combined Nomenclature codes listed in Annex XI to Regulation (EU) No 1169/2011.

Article 2

Definitions

1 For the purposes of this Regulation, the definition of 'food business operator' in point (3) of Article 3 of Regulation (EC) No 178/2002 of the European Parliament and of the Council[(3)], the definition of 'establishment' in point (c) of Article 2(1) of Regulation (EC) No 852/2004 of the European Parliament and of the Council[(4)], as well as the definitions of 'minced meat', 'slaughterhouse' and 'cutting plant' laid down respectively in points 1.13, 1.16 and 1.17 of Annex I to Regulation (EC) No 853/2004 of the European Parliament and of the Council[(5)] shall apply.

2 The following definitions shall also apply:

a 'trimmings' means small pieces of meat, falling within the Combined Nomenclature codes listed in Annex XI to Regulation (EU) No 1169/2011, recognised as fit for human consumption and produced exclusively during trimming operations, when boning of carcases or when cutting up of meat;

b 'batch' means meat, falling within the Combined Nomenclature codes listed in Annex XI to Regulation (EU) No 1169/2011, obtained from a single species, with or without bone, whether or not cut or minced, that has been cut, minced or packed under practically identical conditions.

Article 3

Traceability

1 Food business operators, at each stage of production and distribution of the meat referred to in Article 1, shall have in place and use an identification and registration system.

2 That system shall be applied in such a way as to ensure:

a the link between the meat and the animal or group of animals from which it has been obtained, at the slaughter stage this link being the responsibility of the slaughterhouse; and

b the transmission of the information relating to the indications referred to in Articles 5, 6 or 7, as appropriate, together with the meat, to the operators at the subsequent stages of production and distribution.

Each food business operator shall be responsible for the application of the identification and registration system, as laid down in the first subparagraph, within the stage of production and distribution at which it operates.

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The food business operator who packs or labels the meat in accordance with Articles 5, 6 or 7 shall ensure the correlation between the batch code identifying the meat supplied to the consumer or mass caterer and the relevant batch or batches of meat from which the pack or labelled batch is constituted. All packs with the same batch code shall correspond to the same indications in accordance with Articles 5, 6 or 7.

3 The system referred to in paragraph 1 shall record, in particular, the arrival at and the departure from the establishment of the food business operator, of animals, carcases or cuts, as appropriate, and ensure a correlation between arrivals and departures.

Article 4

Group of animals

1 The size of the group of animals referred to in Article 3 shall be defined by:

a the number of carcases cut together and constituting one batch for the cutting plant concerned in case of cutting of carcases;

b the number of carcases the meat of which constitutes one batch for the cutting or mincing plant concerned in case of further cutting or mincing.

2 The size of a batch shall not exceed the production of one day in a single establishment.

3 Except the case where Article 7 is applied, when constituting the batches, the establishments in which meat is cut or minced shall ensure that all carcasses in a batch correspond to animals to the meat of which identical labelling indications apply in accordance with Article 5(1) or with Article 5(2).

Article 5

Labelling of meat

1 The label of meat referred to in Article 1 intended for supplying to the final consumer or to mass caterers shall contain the following indications:

a the Member State or third country in which the rearing took place indicated as ‘Reared in: (name of the Member State or third country)’, in accordance with the following criteria:

(i) for swine:

— in case the animal is slaughtered older than 6 months, the Member State or third country in which the last rearing period of at least 4 months took place,

— in case the animal is slaughtered younger than 6 months and with a live weight of at least 80 kilograms, the Member State or third country in which the rearing period after the animal has reached 30 kilograms took place,

— in case the animal is slaughtered younger than 6 months and with a live weight of less than 80 kilograms, the Member State or third country in which the whole rearing period took place;

(ii) for sheep and goats: the Member State or third country in which the last rearing period of at least 6 months took place or, in case the animal is slaughtered