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COMMISSION IMPLEMENTING REGULATION (EU) No .../..

of **XXX**

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

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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 608/2004¹, 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. The rules for the application of point (b) of Article 26(2) of that Regulation should be laid down as regards that mandatory indication.
- (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 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 2913/92². When several countries have been involved in the production of a food, that concept is linked to the country where the products have undergone their last substantial and economically justified processing or working. For cases involving several countries, the detailed rules set

¹ OJ L 304, 22.11.2011, p. 18.

² Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code (OJ L 302, 19.10.1992, p. 1).

out in Annex XI to Commission Regulation (EEC) No 2454/93³ specify that, for meat of swine, sheep and goats, the origin is conferred where the slaughter preceded by a fattening period of at least two months takes place. The detailed rules applicable to poultry determine the origin of poultry meat as the country where the animal was born and raised or the country in which the animal was fattened for a period of at least one month. However, where those conditions are not met, the pig, sheep and goat meat shall be considered as originating in the country where the animals from which it was obtained were fattened or reared for the longest period in accordance with foot note (1) of Annex XI of Regulation (EEC) No 2454/93. Applying the latter rule to the meat falling within the scope of this Regulation would require tracing back the entire life of the animals from which the meat has been obtained when the general requirement for determining the origin has not been met. However, that would unnecessarily increase the administrative burden following from the application of the labelling rules to be adopted and would be neither justified nor proportional taking into account the production cycle of the species concerned. Therefore, for the purposes of this Regulation it is necessary, for the cases where the general requirement for determining the origin is not met, to provide for an indication, on the label, of the Member State or third country where the animal has been reared for a certain period and where it has been slaughtered.

- (4) For the cases in which the animal has been fattened in several Member States or third countries and the general requirement for determining the origin cannot be met, a choice needs to be made as to which of the Member States or third countries should be indicated as place of rearing so that the consumer needs are better met and unnecessary complexity of the label is avoided. In view of that, criteria should be provided for indicating the Member State or third country which would have the main relevance for the rearing. The Member State or third country where the animals have been last reared for at least a certain period of time before slaughter appears as the most appropriate option. A residual rule should be defined where such minimal period would be met nowhere in order to set the place of rearing to be indicated.
- (5) For the sake of simplification, where animals have been reared in the Member State or third country in which they are slaughtered, and when the general requirement for determining the origin is not met, operators should be given the possibility to apply a simplified format of the label. In addition, rules should be laid down for packages containing cuts 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 slaughtering 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.

³ Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code (OJ L 253, 11.10.1993, p. 1).

- (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 Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

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 definitions laid down in Article 2(1) and (2) of Regulation (EU) No 1169/2011, 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 Council⁴, the definition of ‘establishment’ in point (c) of Article 2(1) of Regulation (EC) No 852/2004 of the European Parliament and of the Council⁵, 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 Council⁶ 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 carcasses 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, packed together under practically identical conditions.

⁴ Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1).

⁵ Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs (OJ L 139, 30.4.2004, p. 1).

⁶ Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin (OJ L 139, 30.4.2004, p. 55).

Article 3

Traceability

1. Food business operators, at each stage of production and distribution of the meat referred to in Article 1, shall establish 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 the meat has been obtained, at 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 and 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.

The food business operator who packs the meat or labels it in accordance with Articles 5, 6 or 7 shall ensure the correlation between the reference code referred to in point (b) of Article 5(1) and point (b) of Article 5(3) and the relevant batch or batches from which the pack is constituted.

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, carcasses 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 Articles 3 and 5 shall be defined by:
 - (a) the number of carcasses cut together and constituting one batch for the cutting plant concerned in case of cutting of carcasses;
 - (b) the number of carcasses whose meat 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 applies, when constituting the batches, the establishments in which meat is cut or minced shall ensure that all carcasses in a batch come from animals reared in only one Member State or third country and slaughtered in only one Member State or third country.

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 where the slaughter took place, preceded, in the same Member State or third country, by a fattening period of at least two months for swine, sheep and goats and one month for poultry, indicated as 'Origin: (name of Member State or third country)';
 - (b) a reference code ensuring the link between the meat to which the label refers and the relevant batch in the identification and registration system, referred to in Article 3, of the food business operator concerned.
2. Where the slaughter was not preceded by the minimum fattening period referred to in point (a) of paragraph 1 in the same Member State or third country where the animal was slaughtered, the indication referred to in point (a) of paragraph 1 shall be replaced by the following indications:
- (a) the Member State or third country in which the last rearing period of at least two months for swine, sheep and goats and one month for poultry took place, indicated as 'Reared in: (name of the Member State or third country)'. If the minimum period of rearing has not been met, that indication shall refer to the Member State or third country in which the animal or group of animals were last reared before a period of 15 days preceding the day of the slaughter for swine, sheep and goats, and before a period of 5 days preceding the day of the slaughter for poultry; and
 - (b) the Member State or third country in which slaughter took place indicated as 'Slaughtered in: (name of the Member State or third country)';
- Where the application of points (a) and (b) of the first subparagraph results in providing indications that refer to the same Member State or third country, those indications may be replaced by 'Reared and slaughtered in: (name of Member State or third country)'.
3. Where several cuts of meat of the same or of different species originating in different Member States or third countries, or obtained from animals reared and slaughtered in different Member States or third countries, are packed in the same pack, the label shall indicate:
- (a) the list of Member States or third countries concerned in accordance with paragraphs 1 or 2, for each species;
 - (b) a reference code ensuring the link between the meat of each species and the relevant batches in the identification and registration system, referred to in Article 3, of the food business operator concerned.

Article 6

Derogation for meat from third countries

By way of derogation from point (a) of Article 5(1) and from Article 5(2), the label of meat referred to in Article 1 imported for placing on the Union market, and for which the information provided for in point (a) of Article 5(1) or in Article 5(2) is not available, shall contain the indication 'Reared in: non-EU' and 'Slaughtered in: (Name of the third country where the animals were slaughtered)'.

Article 7

Derogations for minced meat and trimmings

By way of derogation from point (a) of Article 5(1), from Article 5(2) and from Article 6, as regards minced meat and trimmings, the following indications may be applied:

- (a) 'Origin: EU', where minced meat or trimmings are produced exclusively from meat obtained from animals reared and slaughtered in different Member States;
- (b) 'Reared and slaughtered in: non-EU', where minced meat or trimmings are produced exclusively from meat imported into the Union;
- (c) 'Reared in: non-EU' and 'Slaughtered in: (Name of the Member State)' where minced meat or trimmings are produced exclusively from meat obtained from animals imported into the Union as animals for slaughter and slaughtered in a Member State;
- (d) 'Reared and slaughtered in: EU and non-EU' where minced meat or trimmings are produced from meat obtained from animals reared and slaughtered in different Member States and from meat imported into the Union or from meat obtained from animals imported into the Union and slaughtered in different Member States.

Article 8

Additional information on the label

Food business operators may supplement the indications referred to in Articles 5, 6 and 7 with additional information concerning the provenance of the meat, including a more detailed geographical level.

The additional information referred to in the first paragraph shall not be contradictory to the indications referred to in Articles 5, 6 and 7, and shall comply with the rules of Chapter V of Regulation (EU) No 1169/2011.

Article 9

Entry into force and application

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

It shall apply from 1 April 2015. It shall not apply to meat which has been lawfully placed on the Union market before 1 April 2015 until the stocks are exhausted.

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

Done at Brussels,

For the Commission
The President
José Manuel BARROSO