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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 22.05.2007
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Draft

COMMISSION REGULATION

of

amending Commission Regulation (EC) No 2074/2005 as regards implementing measures for certain products of animal origin intended for human consumption and laying down specific rules on official controls for the inspection of meat

(Text with EEA relevance)

(Memorandum from Mr Markos KYPRIANOU)

WORKING DOCUMENT

DOES NOT NECESSARILY REPRESENT THE OPINION OF THE COMMISSION SERVICES

Draft

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amending Commission Regulation (EC) No 2074/2005 as regards implementing measures for certain products of animal origin intended for human consumption and laying down specific rules on official controls for the inspection of meat

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption¹, and in particular Article 16 and Article 18 (3), (7) and (12) thereof,

Whereas:

- (1) Regulations (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 origin², (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules³ lay down the health rules and requirements regarding food of animal origin and the official controls required.
- (2) Regulation (EC) No 854/2004 provides the possibility that the competent authority should be able to decide based on a risk analysis that the official veterinarian need not be present at all times in certain slaughterhouses or game handling establishments. In such cases the official auxiliary can perform post mortem inspection activities, which might assist to reduce the financial burden for establishments with a low throughput.
- (3) criteria should be determined on the basis of a risk analysis when the official veterinarian need not be present in slaughterhouses and game handling establishments throughout post-mortem inspection.
- (4) Establishments with discontinuous slaughter practice fulfil a social and economic function in rural communities and should be assisted as long as they comply with the legal and hygiene requirements.

¹ OJ L 139, 30.04.2004, p.206, corrected by OJ L 226, 25.6.2004, p. 83.

² OJ L 139, 30.04.2004, p.55, corrected by OJ L 226, 25.6.2004, p. 22.

³ OJ L 165, 30.04.2004, p. 1, corrected by OJ L 191, 28.5.2004, p. 1.

- (5) Regulation (EC) No 854/2004 provides the possibility that the competent authority should be able to decide that fattening pigs only undergo visual inspection. More specific requirements should be laid down for the conditions under which such reduced, but risk-based meat inspection procedures are to be allowed.
- (6) On 24 February 2000, the Scientific Committee on Veterinary Measures relating to Public Health adopted an opinion on “revision of meat inspection procedures”, which deals with the general principles. It concludes that current inspection systems can be improved when supplemented with information from the complete production chain, introduction of HACCP in the slaughter plant and microbiological monitoring of faecal indicator organisms.
- (7) On 20-21 June 2001, the Scientific Committee on Veterinary Measures relating to Public Health adopted an opinion on “identification of species/categories of meat-producing animals in integrated production systems where meat inspection may be revised”. It concludes that there are already a number of production systems in Member States where the criteria for application of a simplified meat inspection system have been fulfilled.
- (8) On 14-15 April 2003, the Scientific Committee on Veterinary Measures relating to Public Health adopted an opinion on “revision of meat inspection in veal calves”, which recommends that visual inspection of veal calves reared in integrated systems is sufficient, but that as long as bovine tuberculosis has not been eradicated, surveillance for tuberculosis should be maintained in bovines at both farm and abattoir levels.
- (9) On 26 November 2003 EFSA adopted an opinion on “tuberculosis in bovine animals: risks for human health and control strategies”, which concludes that efficient post-mortem examination of specified lymph nodes and of the lungs represents an important element of national bovine tuberculosis eradication programmes, as well as being an integral part of veterinary meat inspection programmes aimed at the protection of human health.
- (10) On 1 December 2004, the European Food Safety Authority (EFSA) adopted an opinion on “revision of meat inspection for beef raised in integrated production systems”, which states that the incision of lymph nodes should continue as part of a revised post mortem meat inspection system in order to be able to detect tuberculous lesions.
- (11) On 18 May 2006 EFSA adopted an opinion on an assessment of the public and animal health risks associated with the adoption of a visual inspection system in veal calves raised in a Member State (or part of a Member State) considered free of tuberculosis. The opinion states that in case of veal calves reared in integrated production units and in officially bovine tuberculosis-free herds, post-mortem inspection can be restricted to observation and palpation of lymph nodes.
- (12) On 22 April 2004, EFSA adopted an opinion on “meat inspection procedures for lambs and goats”. The opinion states that the important pathological conditions seen at meat inspection of lambs and goat kids can be diagnosed by visual inspection, thus preventing cross contamination by less manipulation.
- (13) On 27-28 September 2000 the Scientific Committee on Veterinary Measures relating to Public Health adopted an opinion on the control of taeniosis/cysticercosis in man

and animals. It specifies the prerequisites necessary to ensure cysticercosis-free conditions.

- (14) On 26-27 January 2005 EFSA adopted an opinion on the risk assessment of a revised inspection of slaughter animals in areas with low prevalence of *cysticercus*. It emphasises the need for risk profiling of the different calf production systems. Simplified post-mortem inspection can be applied for calves coming from integrated production systems previously assessed as of low-risk profile.
- (15) Based on the scientific opinions the conditions for a reduced, but risk based meat inspection procedure of ruminants of a young age should be laid down.
- (16) A prerequisite for a risk based meat inspection without incision procedures will be the availability of food chain information 24 hours in advance of slaughter. Consequently, whenever such a simplified meat inspection procedure is applied, the food business operator will not be able to benefit from the transitional arrangements as laid down in Commission Regulation (EC) No 2076/2005.
- (17) Regulation (EC) No 2074/2005 establishes the analytical methods for the detection of the amnesic shellfish poison (ASP) content of edible parts of molluscs (the whole body or any part edible separately). The 2006.02 ASP ELISA Method as published in the AOAC Journal, June 2006, should be considered as an alternative screening method to the high-performance liquid chromatography (HPLC) method for the detection of ASP in bivalve molluscs. Regulation (EC) No 2074/2005 should therefore be amended accordingly.
- (18) Part D of Chapter IX, Section IV, Annex I to Regulation (EC) No 854/2004 states that, where appropriate, solipeds are to be examined for glanders. However, a detailed post-mortem examination for glanders should be mandatory for those solipeds or meat thereof that originates from countries that are not free of the disease.
- (19) The measures provided in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health.

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2074/2005 is amended as follows:

1. The following Article is inserted:

"Article 6 b

Requirements regarding official controls for the inspection of meat

Requirements regarding the official controls for the inspection of meat are laid down in Annex VI b."

2. Chapter II of Annex III to Regulation (EC) N° 2074/2005 is amended in accordance with Annex I to this Regulation.
3. Annex VI b is inserted in accordance with Annex II to this Regulation.

Article 2
Entry into force

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

[It shall apply from 1 xxx 2007.]

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

Done at Brussels,

For the Commission
Markos KYPRIANOU
Member of the Commission

ANNEX I

Chapter II of Annex III to Regulation (EC) N° 2074/2005 is replaced by the following:

"Chapter II

AMNESIC SHELLFISH POISON (ASP) DETECTION METHOD

The total content of amnesic shellfish poison (ASP) of edible parts of molluscs (the entire body or any part edible separately) must be detected using the high-performance liquid chromatography (HPLC) method or any other internationally recognised method. However for screening purposes, ELISA methods, can also be used to detect the total content of amnesic shellfish poison (ASP) of edible parts of molluscs (the entire body or any part edible separately).

If the results are challenged, the reference method shall be the HPLC method.

ANNEX II

The following Annex VI b regarding official controls for the inspection of meat is added to Regulation (EC) No 2074/2005:

"ANNEX VI b

- (1) For the purpose of this Regulation, the following definitions apply:
 - (a) ‘controlled housing conditions in integrated production systems’ means a type of animal husbandry where animals are kept under conditions in compliance with the Appendix to this Regulation.
 - (b) “Young bovine animal” is a bovine animal of either gender, which is not older than 8 months.
 - (c) “Young ovine animal” is an ovine animal of either gender, not older than 12 months or not having any permanent incisor erupted.
 - (d) “Young caprine animal” is a caprine animal of either gender, not older than 6 months of age.
 - (e) “herd” means an animal or group of animals kept on a holding as an epidemiological unit; if more than one herd is kept on a holding, each of these herds shall form a distinct unit.
 - (f) “holding” means any establishment, construction or, in the case of an open-air farm, any place situated within the territory of the same Member State, in which animals are held, kept or handled as defined in Regulation (EC) No 1760/2000⁴.
 - (g) “Establishment carrying out discontinuous slaughter or processing” activities means a slaughterhouse or game handling establishment designated by the competent authority on the basis of a risk analysis, in which, in particular, the slaughter or processing activities do not take place either during the entire working day or during subsequent working days of the week.
- (2) Post mortem inspection in establishments with discontinuous slaughter or processing activities
 - a) According to point (2b) of Annex I, Section III, Chapter II to Regulation (EC) No 854/2004, the competent authority may decide that the official veterinarian need not be present at all times during post-mortem inspection. This may apply under the following conditions :
 - (i) in establishments, which practice discontinuous slaughter activities and have sufficient facilities to detain meat with abnormalities until a final post-mortem inspection by the official veterinarian can take place; and
 - (ii) an official auxiliary performs the post-mortem inspection activities and

⁴ OJ L 204, 11.8.2000, p. 1

- (iii) the official veterinarian will visit the establishment at least once a day when slaughter activities take place or have taken place and
 - (iv) if the competent authority has put in place a procedure to assess on a regular basis the performance of official auxiliaries in these establishments. Assessment shall include:
 - a) monitoring individual performance;
 - b) verification of documentation with regard to inspection findings and comparison with the corresponding carcasses ;
 - c) check of carcasses in the storage room.
- b) The risk analysis carried out by the competent authority to identify the establishments that may benefit from the derogation mentioned in point 1 of this Article, shall at least take account of the following elements:
- the number of animals slaughtered or handled over time,
 - the species and class of animals slaughtered or handled,
 - the throughput of the establishment,
 - the historical performance of slaughter or handling activities,
 - the effectiveness of any additional measures in the food chain for procurement of animals for slaughter taken to guarantee food safety,
 - the effectiveness of the HACCP based system in place,
 - audit records,
 - the competent authority's historical records of ante-mortem and post-mortem inspections.
- (3) Requirements for a risk-based meat inspection without incision procedures
- a) According to Annex I, Section IV, Chapter IV, Part B, Point 2 to Regulation (EC) No 854/2004, the competent authority may limit the post-mortem inspection procedures of fattening pigs to a visual inspection. This applies provided that all of the following conditions are complied with:
- i) the food business operator shall ensure that the animals are kept under controlled housing conditions in an integrated production system as laid down in the Appendix to Annex VIb;
 - ii) the food business operator shall not benefit from the transitional arrangements with regard to food chain information as laid down in Commission Regulation (EC) No 2076/2005;

- iii) the competent authority shall implement or order the implementation of regular serological and/or microbiological monitoring of a selected number of animals based on a risk analysis of food safety hazards, which are present in live animals and relevant at the farm level.
- b) By way of derogation from Annex I, Section IV, Chapters I and II to Regulation (EC) No 854/2004, the post-mortem-inspection procedures of young bovine, ovine and caprine animals may be reduced to a visual inspection with limited palpation, provided that all of the following conditions are at least complied with:
- i) the food business operator shall ensure that young bovine animals are kept under controlled housing conditions in an integrated production system as laid down in Annex;
 - ii) the food business operator shall ensure that young bovine animals shall be reared in an officially bovine tuberculosis-free herd;
 - iii) the food business operator shall not benefit from the transitional arrangements with regard to food chain information as laid down in Commission Regulation (EC) No 2076/2005
 - iv) the competent authority shall implement or order the implementation of regular serological and/or microbiological monitoring of a selected number of animals based on a risk analysis of food safety hazards, which are present in live animals and relevant at the farm level;
 - v) post-mortem inspection of young bovine animals shall include at all times palpation of the retropharyngeal, bronchial and mediastinal lymph nodes.
- c) In case of any abnormality detected, the carcass and offal shall be subjected to a full post-mortem inspection as laid down in Regulation (EC) No 854/2004. However, the competent authority may decide based on a risk analysis that meat with certain minor abnormalities as defined by the competent authorities, which pose no risk to animal or human health, does not need to be subjected to a full post-mortem inspection.
- d) Young ovine and caprine animals and weaned pigs that do not go directly from farm of birth to slaughter may be moved on one occasion to another farm (for rearing or fattening) prior to going for slaughter. In such cases:
- i) regulated assembly centres may be used for young ovine or caprine animals between the farm of origin and the rearing/fattening farm, as well as between these farms and slaughter and
 - ii) traceability shall be ensured at the level of the individual animal or batch of animals.
- (4) Additional requirement for the post-mortem examination of solipeds
- a) Fresh meat from solipeds reared in countries not free of glanders in accordance with Article 2.5.8.2. of the *Terrestrial Animal Health Code* of the World Organisation for Animal Health shall not be placed on the market, unless such meat derives from

solipeds examined for glanders in accordance with paragraph D of Chapter IX in Section IV of Annex I to Regulation (EC) No 854/2004.

- b) Fresh meat from solipeds in which glanders has been diagnosed is to be declared unfit for human consumption as laid down in paragraph D of Chapter IX in Section IV of Annex I to Regulation (EC) No 854/2004.

Appendix to Annex VI b

‘controlled housing conditions in integrated production systems’ means that:

- (a) all feed shall have been obtained from a facility, which produces feed according to the principles as described in Regulation (EC) No 1831/2003 of the European Parliament and of the Council laying down requirements for feed hygiene. When roughage or crops are provided to the animals as feed, it shall be treated appropriately, preferably dried and/or pelleted.
- (b) an all-in/all-out system shall be applied as far as possible. In case animals are introduced into the herd, they shall be kept in isolation as long as required by the veterinary services to prevent introduction of diseases.
- (c) none of the animals shall have access to outdoor facilities unless the food business operator can show by a risk analysis to the satisfaction of the competent authority that the time period, facilities and circumstances of outdoor access do not pose a danger for introduction of disease in the herd.
- (d) detailed information shall be available concerning the animals from birth to slaughter and their management conditions as laid down in Section III, Annex II to Regulation (EC) No 853/2004.
- (e) if bedding is provided for the animals, the presence or introduction of disease shall be avoided by appropriate treatment of the bedding material.
- (f) farm staff shall comply with the general hygiene provisions as laid down in Annex I of Regulation (EC) No 853/2004.
- (g) procedures shall be in place that control access to the premises where animals are kept.
- (h) the holding shall not provide facilities for tourists or for camping unless the food business operator can show by a risk analysis to the satisfaction of the competent authority that the facilities are sufficiently separated from the animal rearing units that direct and indirect contact between humans and animals is not possible.
- (i) animals shall not have access to garbage dumps or household garbage.
- (j) a pest management and control plan shall be in place.
- (k) silage feeding shall not be used unless the food business operator can show by a risk analysis to the satisfaction of the competent authority that the feed can not transmit any hazards to the animals.
- (l) effluent and sediment from sewage treatment plants shall not be released in areas accessible to the animals or be used for fertilising pastures used to grow crops, which are used to feed animals, unless treated appropriately and to the satisfaction of the competent authority."