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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 28.5.2008
COM(2008) 336 final

2008/0108 (CNS)

Proposal for a

COUNCIL REGULATION

**amending Regulation (EC) No 1234/2007 establishing a common organisation of
agricultural markets as regards the marketing standards for poultrymeat**

(presented by the Commission)

EXPLANATORY MEMORANDUM

Council Regulation (EC) No 1234/2007 takes over the provisions of Regulation (EC) No 1906/90 as regards certain marketing standards for poultrymeat.

Under Regulation (EC) No 853/2004, the Commission will propose the authorisation of the use of certain substances to remove surface contamination from poultry carcasses. The current definition of poultrymeat as provided for in Council Regulation (EC) No 1234/2007 as regards the marketing standards for poultrymeat is incompatible with the use of such substances.

This is because the exclusive reference to cold treatment in the current definition of 'poultrymeat' is too restrictive in view of technological developments. That definition should therefore be adapted.

As a result, implementation of the Regulation authorising the use of decontaminating substances for poultry requires an amendment of the Council Regulation on marketing standards and, in particular, the definition of 'poultrymeat'.

In the event that the Commission's proposal to authorise the use of these substances is not adopted, it will withdraw the amendment to the definition hereby proposed.

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Also, the provisions on marketing standards have remained largely unaltered since 1990, while the poultrymeat market and consumer habits have changed significantly.

It is therefore essential to review the marketing standards for poultrymeat, particularly in the light of technological developments, and to extend some of the principles to include poultrymeat preparations and products.

In view of the fact that poultrymeat is being consumed more and more in the form of meat preparations and products, the scope of the marketing standards for poultrymeat should be extended to include poultrymeat preparations and products, and poultrymeat in brine, which features more and more prominently in trade.

Where poultrymeat is sold 'fresh', consumers expect it to have never been frozen or quick-frozen beforehand, since this is a guarantee of quality for them. Therefore the current principle that poultrymeat sold 'fresh' may not have been frozen beforehand must be reinforced and extended to cover poultrymeat preparations and products.

This proposal has no impact on the Community budget.

Proposal for a

COUNCIL REGULATION

amending Regulation (EC) No 1234/2007 establishing a common organisation of agricultural markets as regards the marketing standards for poultrymeat

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas:

- (1) Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (“Single CMO Regulation”)¹ lays down certain marketing standards for poultrymeat.
- (2) Article 116 of Regulation (EC) No 1234/2007 provides that products of the poultrymeat sector are to be marketed in accordance with the provisions of Annex XIV to that Regulation.
- (3) In view of the fact that poultrymeat is being consumed more and more in the form of meat preparations and products, the scope of the marketing standards for poultrymeat should be extended to include poultrymeat preparations and products.
- (4) Similarly, poultrymeat in brine falling within CN code 0210 99 39 should also be covered by the marketing standards.
- (5) The exclusive reference to cold treatment in the definition of ‘poultrymeat’ is too restrictive in view of technological developments. That definition should therefore be adapted.
- (6) Under Community legislation on the labelling of foodstuffs, the labelling and the methods used therefor must not be such as to mislead the purchaser, in particular as to the characteristics of the foodstuff, and particularly as to the nature of the product, its identity, properties, composition, quantity, durability, origin or provenance or method of production or manufacture.

¹ OJ L 299, 16.11.2007, p. 1. Regulation as last amended by Regulation (EC) No 248/2008 (OJ L 76, 19.3.2008, p. 6).

- (7) To consumers, the condition in which poultrymeat is sold, especially where it is sold fresh, is particularly important. Thus where poultrymeat is sold 'fresh', consumers expect it to have never been frozen or quick-frozen beforehand, since this is a guarantee of quality for them.
- (8) As a result, the principle that fresh poultrymeat, including fresh poultrymeat preparations, may not have been frozen prior to being marketed as fresh meat should be set out more explicitly. To that end, given that the objectives of the marketing standards include improving the quality of poultrymeat and information relating thereto in the interest of the consumer, the term 'fresh' should be defined more precisely in the marketing standards than in the legislation on food safety.
- (9) Poultrymeat which has been frozen or quick-frozen must be sold in that state or be used in preparations marketed as frozen or quick-frozen, or in meat products.
- (10) Since the subdivision of Class A into A 1 and A 2 provided for in Regulation (EC) No 1234/2007 is superfluous and has not been used in practice, that requirement should be abolished for the sake of simplification.
- (11) Regulation (EC) No 1234/2007 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex XIV to Regulation (EC) No 1234/2007 is hereby amended in accordance with the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the seventh 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,

For the Council
The President

ANNEX

Part B of Annex XIV to Regulation (EC) No 1234/2007 is amended as follows:

1. Paragraph 1 of Part I is replaced by the following:

“1. Without prejudice to Part C of this Annex concerning the provisions on the production and marketing of eggs for hatching and of farmyard poultry chicks, these provisions shall apply to the marketing, within the Community by way of business or trade, of certain types and presentations of poultrymeat, and poultrymeat or poultry offal preparations and products, of the following species as set out in Part XX of Annex I:

- *Gallus domesticus*,
- ducks,
- geese,
- turkeys,
- guinea fowls.

These provisions shall also apply to poultrymeat in brine falling within CN code 0210 99 39 as referred to in Part XXI of Annex I.”

2. Part II is replaced by the following:

“II. Definitions

Without prejudice to further definitions to be laid down by the Commission for the purpose of the application of this Part:

1. ‘poultrymeat’ means the edible parts of farmed birds falling within CN code 0105.
2. ‘fresh poultrymeat’ means poultrymeat which has not been stiffened at any time by the cooling process prior to being kept at a temperature not below -2°C and not higher than $+4^{\circ}\text{C}$. However, Member States may lay down different temperature requirements for a short period for the cutting and storage of fresh poultrymeat performed in retail shops or in premises adjacent to sales points, where the cutting and storage are performed solely for the purpose of supplying the consumer directly on the spot.
3. ‘frozen poultrymeat’ means poultrymeat which must be frozen as soon as possible within the constraints of normal slaughtering procedures and is to be kept at a temperature no higher than -12°C at any time.
4. ‘quick-frozen poultrymeat’ means poultrymeat which is to be kept at a temperature no higher than -18°C at any time within the tolerances as provided for in Council Directive 89/108/EEC of 21 December 1988 on

the approximation of the laws of the Member States relating to quick-frozen foodstuffs for human consumption*.

5. ‘fresh poultrymeat preparation’ means a meat preparation for which ‘fresh poultrymeat’ within the meaning of this Regulation has been used.
6. ‘poultrymeat product’ means a meat product as defined in point 7.1 of Annex I to Regulation (EC) No 853/2004 for which ‘poultrymeat’ within the meaning of this Regulation has been used.”

* OJ L 40, 11.2.1989, p. 51.

3. Part III is amended as follows:

- (a) the second subparagraph of paragraph 1 is deleted.
- (b) the introductory phrase of paragraph 2 is replaced by the following:

“Poultrymeat and poultrymeat preparations shall be marketed in one of the following conditions:”.