

Matmerking

Vedr. opprinnelsesmerking av ferskt, kjølt eller fryst kjøtt fra storfe, svin, sau, geit og fjørfe

Statens tilsyn for planter, fisk, dyr og næringsmidler



Dokumentet er utarbeidet av EU-kommisjonen. Notatet er ikke rettslig bindende, men skal fungere som et hjelpemiddel til tolkning av regelverket om matinformasjon.

NOTE TO THE ATTENTION OF MEMBER STATES' DELEGATIONS TO THE COMMITTEE FOR THE COMMON ORGANISATION OF THE AGRICULTURAL MARKETS (SECTOR ANIMAL PRODUCTS)

Questions of general interest as regards the implementation of origin labelling of certain meats in accordance with Commission Implementing Regulation (EU) No 1337/2013

Dokumentet er ikke rettslig bindende, men skal fungere som et hjelpemiddel til tolkning av ulike bestemmelser i regelverket. Veilederen må derfor leses sammen med de relevante bestemmelsene i regelverket.



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

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**NOTE TO THE ATTENTION OF MEMBER STATES' DELEGATIONS TO THE COMMITTEE
FOR THE COMMON ORGANISATION OF THE AGRICULTURAL MARKETS
(SECTOR ANIMAL PRODUCTS)**

Subject: Questions of general interest as regards the implementation of origin labelling of certain meats in accordance with Commission Implementing Regulation (EU) No 1337/2013

1. Commission Implementing Regulation (EU) No 1337/2013 applies from 1 April 2015. What happens with meat from animals slaughtered in the EU before that date?

Article 9 of Commission Implementing Regulation (EU) No 1337/2013 states that the Regulation "*shall not apply to meat which has been lawfully placed on the Union market before 1 April 2015 until the stocks are exhausted*".

The term "placing in the market" is not defined in Commission Implementing Regulation (EU) No 1337/2013. However, it is defined in Article 3 point 8 of Regulation (EC) No 178/2002 laying down the general principles and requirements of food law. This Regulation contains general provisions governing food and feed in general, at EU and national level. The relevant definition reads: "*‘placing on the market’ means the holding of food or feed for the purpose of sale, including offering for sale or any other form of transfer, whether free of charge or not, and the sale, distribution, and other forms of transfer themselves;*".

Meat obtained from animals slaughtered in the EU before 1 April 2015, which has been held for the purpose of sale and therefore placed on the market prior to 1 April 2015 does not fall within the scope of Commission Implementing Regulation (EU) No 1337/2013.

2. What about meat imported from third countries before 1 April 2015?

Products which were introduced into the EU before 1 April 2015 and were held for the purpose of sale (e.g. stored in warehouses) are considered as already been placed on the Union market. They do not fall within the scope of Commission Implementing Regulation (EU) No 1337/2013.

3. How do we label the origin of minced meat that is a mixture of beef and pork?

Mixtures of minced beef and pork need to be labelled as such, indicating the species that were used for the mixture. This labelling information falls under the mandatory particulars according to Art 9(1)b of Regulation (EU) No 1169/2011 read in conjunction with Article 18(4) and Annex VII (Part B, point 17).

As regards origin labelling:

- If the mixture contains more than 50% beef the product falls under CN¹ codes 0201/0202 and therefore within the scope of Regulation (EC) No 1760/2000 – and not Commission Implementing Regulation (EU) No 1337/2013. In this case the origin of the beef part needs to be labelled, but not the origin of the pork.
- If the mixture contains more than 50% pork the product falls under CN code 0203 and therefore within the scope of Commission Implementing Regulation (EU) No 1337/2013 – and not of Regulation (EC) No 1760/2000. In this case the origin of the pork part needs to be labelled, but not the origin of the beef.

Of course, food business operators would be free to label also the origin of the minor parts of the mixture, on voluntary basis. The same principle would apply for mixtures of beef with sheep meat.

In the case of minced meat that is a mixture of meats that all fall under the scope of Commission Implementing Regulation (EU) No 1337/2013 (e.g. pork and sheep) the origin of all meats of the mixture needs to be indicated (Article 5(3) combined with Article 7 of the said Regulation apply).

4. Does seasoned meat (e.g. marinated BBQ meat) fall under the scope of Commission Implementing Regulation (EU) No 1337/2013?

No. Seasoned meat falls under CN code 1602 (prepared meat) and therefore outside the scope defined in Annex XI of Regulation (EU) No 1169/2011.

5. Does salted meat fall under the scope of Commission Implementing Regulation (EU) No 1337/2013?

No. Salted meat falls outside the scope of Commission Implementing Regulation (EU) No 1337/2013 when (a) total salt content (naturally present or added) is equal or more to 1,2 % and (b) the meat concerned is deeply and homogeneously impregnated with salt in all parts.

Salted pigmeat is covered by CN subheadings 0210 11 to 0210 19. Similarly, salted sheep and goat is covered by subheading 0210 99. In that respect, additional note 7 to Chapter 2 of the Combined Nomenclature provides as follows: "*[f]or the purposes of subheadings 0210 11 to 0210 93, the term 'meat and edible meat offal, salted or in brine' means meat and edible meat offal deeply and homogeneously impregnated with salt in all parts and*

¹ General Rules on the interpretation of the Combined Nomenclature apply. According to the Harmonised System the factor which determines the essential character of a product may be determined - amongst others – also by the quantity of its components.

*having a total salt content by weight of 1,2 % or more, provided that it is the salting which ensures the long-term preservation. For the purposes of subheading 0210 99, the term 'meat and edible meat offal, salted or in brine' means meat and edible meat offal deeply and homogeneously impregnated with salt in all parts and having a total salt content by weight of 1,2 % or more."*²

Similarly, poultry deeply and homogeneously impregnated with salt in all parts and having a total salt content by weight of 1.2% or more would fall within the CN code 0210 99.

6. Meat from non-domestic pigs (wild boars) falls under CN code 0203 and therefore within the scope of Commission Implementing Regulation (EU) No 1337/2013. How can the country where the rearing took place be determined?

The system of this Implementing Regulation, whose premise's is the rearing, does not appear to fit with the situation of wild boars. However, since wild boars falls under CN code 0203 which is within the scope of this Implementing Regulation, a pragmatic solution would be that in the case of wild boars, the country of rearing and slaughter is the country where they were shot.

7. In the case of same packaging containing simultaneously meat preparations, sausages, sheep meat, pork and beef for final consumer (e.g. BBQ packs), does Commission Implementing Regulation (EU) No 1337/2013 apply in all cases?

Article 5(3) of the said Regulation states that where several pieces of meat of different origin are presented in the same pack, the label shall indicate the list of the relevant countries for each species.

This means that "Reared in:" and "Slaughtered in:" shall be indicated for all the meats falling within the scope defined in Annex XI of Regulation (EU) No 1169/2011 (meat of swine, sheep, goat, poultry). If the pack contains beef, the labelling obligations under Regulation (EC) No 1760/2000 fully apply (country of "birth/fattening/slaughter" or "origin").

However, Commission Implementing Regulation (EU) No 1337/2013 does not apply to meat preparations or sausages.

8. Is it possible to mix in the pack to the final consumer, pieces of meat from several animals of the same species (e.g. chicken legs) reared in different Member States, indicating on the label multiple origins for rearing (e.g. 4 MSs), although in that specific pack there are chicken legs of animals reared only in some of the MS mentioned on the pack (e.g. 2 MSs)?

No. This would clearly mislead consumers and therefore be in contradiction with Article 7 of Regulation (EU) No 1169/2011. Only in the case that an operator can prove the different origin of the individual cuts in the final pack and the label indicates this on each individual pack, pieces corresponding to different labelling indications can be

² Additional Note 7 to Chapter II of the Combined Nomenclature, Commission Implementing Regulation (EU) No 1101/2014 amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff

presented in the same pack in accordance with Article 5 (3) of Regulation (EU) No 1337/2013.

9. What about the use of flags to supplement the compulsory labelling indications in Regulation (EU) No 1337/2013?

Article 8 of Regulation (EU) No 1337/2013 allows additional voluntary information concerning the geographic origin or provenance of the meat. This includes also symbols, pictograms or flags. The use of flags shall not be contradictory to the compulsory indications (reared /slaughtered); it must correspond to the Member State(s) where rearing and slaughter have taken place. Flags must be placed in close proximity to the latter information. Furthermore, the relevant rules of Regulation (EU) No 1169/2011 and in particular not being misleading, confusing or ambiguous, must be respected.

The present reply is provided on the basis of the facts as set out above and on the understanding that in the event of a dispute involving Union law it is, under the Treaty on the functioning of the European Union, ultimately for the Court of Justice of the European Union to provide a definitive interpretation of the applicable Union law.

Pour le Directeur Général Adjoint empêché
Jens SCHAPS
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e-signed
Joost KORTE