



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 8.9.2005
COM(2005) 402 final

2005/0171 (CNS)

Proposal for a

COUNCIL REGULATION

determining the Community scale for the classification of carcasses of adult bovine animals

(Codified version)

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. In the context of a people's Europe, the Commission attaches great importance to simplifying and clarifying Community law so as to make it clearer and more accessible to the ordinary citizen, thus giving him new opportunities and the chance to make use of the specific rights it gives him.

This aim cannot be achieved so long as numerous provisions that have been amended several times, often quite substantially, remain scattered, so that they must be sought partly in the original instrument and partly in later amending ones. Considerable research work, comparing many different instruments, is thus needed to identify the current rules.

For this reason a codification of rules that have frequently been amended is also essential if Community law is to be clear and transparent.

2. On 1 April 1987 the Commission therefore decided¹ to instruct its staff that all legislative acts should be codified after no more than ten amendments, stressing that this is a minimum requirement and that departments should endeavour to codify at even shorter intervals the texts for which they are responsible, to ensure that the Community rules are clear and readily understandable.

3. The Conclusions of the Presidency of the Edinburgh European Council (December 1992) confirmed this², stressing the importance of codification as it offers certainty as to the law applicable to a given matter at a given time.

Codification must be undertaken in full compliance with the normal Community legislative procedure.

Given that no changes of substance may be made to the instruments affected by codification, the European Parliament, the Council and the Commission have agreed, by an interinstitutional agreement dated 20 December 1994, that an accelerated procedure may be used for the fast-track adoption of codification instruments.

4. The purpose of this proposal is to undertake a codification of Council Regulation (EEC) No 1208/81 of 28 April 1981 determining the Community scale for the classification of carcasses of adult bovine animals³. The new Regulation will supersede the various acts incorporated in it⁴; this proposal fully preserves the content of the acts being codified and hence does no more than bringing them together with only such formal amendments as are required by the codification exercise itself.

¹ COM(87) 868 PV.

² See Annex 3 to Part A of the Conclusions.

³ Carried out pursuant to the Communication from the Commission to the European Parliament and the Council – Codification of the Acquis communautaire, COM(2001) 645 final.

⁴ See Annex III to this proposal.

5. The codification proposal was drawn up on the basis of a preliminary consolidation, in all official languages, of Regulation (EEC) No 1208/81 and the instrument amending it, carried out by the Office for Official Publications of the European Communities, by means of a data-processing system. Where the Articles have been given new numbers, the correlation between the old and the new numbers is shown in a table contained in Annex IV to the codified Regulation

Proposal for a

COUNCIL REGULATION

determining the Community scale for the classification of carcasses of adult bovine animals

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No ☐ 1254/1999 ☐ of ☐ 17 May 1999 ☐ on the common organisation of the market in beef and veal¹,

Having regard to Council Regulation (EEC) No 1358/80 of 5 June 1980 fixing the guide price and intervention price for adult bovine animals for the 1980/81 marketing year and introducing a Community grading scale for carcasses of adult bovine animals², and in particular Article 4(1) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament³,

Having regard to the opinion of the European Economic and Social Committee⁴,

Whereas:



- (1) Council Regulation (EEC) No 1208/81 of 28 April 1981 determining the Community scale for the classification of carcasses of adult bovine animals⁵ has been substantially amended⁶. In the interests of clarity and rationality the said Regulation should be codified.

¹ OJ L ☐ 160, 26.6.1999, p. 21. Regulation as last amended by Regulation (EC) No 1782/2003 (OJ L 270, 21.10.2003, p. 1) ☐.

² OJ L 140, 5.6.1980, p. 4.

³ OJ C [...], [...], p. [...].

⁴ OJ C [...], [...], p. [...].

⁵ OJ L 123, 7.5.1981, p. 3. Regulation as amended by Regulation (EC) No 1026/91 (OJ L 106, 26.4.1991, p. 2).

⁶ See Annex III.

↓ 1208/81 Recital 1 (adapted)

- (2) A Community grading scale for ☒ the classification of ☒ carcasses of adult bovine animals should be applied for recording prices and for intervention in the beef and veal sector.

↓ 1208/81 Recital 2 (adapted)

- (3) The classification ☒ of carcasses of adult bovine animals should ☒ be made on the basis of conformation and the degree of fat cover. The combination of these two criteria enables carcasses to be divided into classes. Carcasses thus classified ☒ should ☒ be identified.

↓ 1208/81 Recital 3

- (4) In order to ensure the uniform application of this Regulation in the Community, provision should be made for on-the-spot checks by a Community inspection committee,

↓ 1208/81

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation lays down the Community classification scale for the carcasses of adult bovine animals.

Article 2

↓ 1208/81 (adapted)

For the purposes of this Regulation ☒ , ☒ the following definitions shall apply:

↓ 1208/81

- (a) *carcase*: the whole body of a slaughtered animal as presented after bleeding, evisceration and skinning, presented:
- without the head and without the feet; the head shall be separated from the carcase at the atloido-occipital joint and the feet shall be severed at the carpalometacarpal or tarsometatarsal joints,
 - without the organs contained in the thoracic and abdominal cavities with or without the kidneys, the kidney fat and the pelvic fat,
 - without the sexual organs and the attached muscles and, in females, without the udder or the mammary fat;

↓ 1208/81 (adapted)

- (b) *half-carcase*: the product obtained by separating the carcase referred to in point (a) symmetrically through the middle of each cervical, dorsal, lumbar and sacral vertebra and through the middle of the sternum and the ischiopubic symphysis.

Article 3

For the purpose of establishing market prices, the carcase shall be presented without the removal of external fat, the neck being cut in accordance with veterinary requirements:

↓ 1208/81

- without kidneys, kidney fat, or pelvic fat,
- without thin skirt or thick skirt,
- without the tail,
- without the spinal cord,

↓ Corrigendum 1208/81 (OJ L 35, 11.2.1986, p. 12)

- without cod fat,

↓ 1208/81 (adapted)

- without fat on the inside of topside,
- without jugular vein and the adjacent fat .

However, Member States shall be authorised to accept different presentations when this reference presentation is not used.

In such instances, the adjustments necessary to progress from those presentations to the reference presentation shall be determined in accordance with the procedure referred to in Article 43(2) of Regulation (EC) No 1254/1999.

↓ 1026/91 Art. 1 pt.1 (adapted)

Article 4

1. Without prejudice to the intervention rules applying, the carcasses of adult bovine animals shall be divided into the following categories:

↓ 1026/91 Art. 1 pt.1

- A. carcasses of uncastrated young male animals of less than two years of age;
 - B. carcasses of other uncastrated male animals;
 - C. carcasses of castrated male animals;
 - D. carcasses of female animals that have calved;
 - E. carcasses of other female animals.
-

↓ 1026/91 Art.1 pt.1 (adapted)

Criteria shall be laid down for differentiating between categories of carcasses in accordance with the procedure referred to in Article 43(2) of Regulation (EC) No 1254/1999.

2. The carcasses of adult bovine animals shall be classified by successive assessment of:

- (a) conformation, as defined in Annex I ;
- (b) fat cover, as defined in Annex II.

3. The conformation class designated in Annex I by the letter S may be used by Member States to take account, through the optional introduction of a conformation class superior to the existing classes (double-muscled carcasses), of the characteristics or expected development of a particular form of production.

Member States which intend to make use of this possibility shall notify the Commission and the other Member States accordingly.

4. Member States shall be authorised to subdivide each of the classes provided for in Annexes I and II into a maximum of three sub-classes.

↓ 1208/81 Art. 4 (adapted)

Article 5

1. Carcasses or half-carcasses shall be classified as soon as possible after slaughter and such classification shall be carried out in the slaughterhouse itself.

2. The classified carcasses or half-carcasses shall be identified.

3. Before identification by marking, Member States shall be authorised to have the external fat removed from the carcasses or half-carcasses if this is justified by the fat cover.

The conditions in which removal of the external fat will be applied shall be determined in accordance with the procedure referred to in Article 43(2) of Regulation (EC) No 1254/1999 .

↓ 1208/81 Art. 5 (adapted)

Article 6

1. On-the-spot inspections shall be carried out by a Community inspection committee composed of experts from the Commission and experts appointed by the Member States. This Committee shall report back to the Commission on checks carried out.

The Commission shall, if appropriate, take the measures necessary to ensure that the classification is carried out in a uniform manner.

Those inspections shall be carried out on behalf of the Community, which shall bear the resulting costs.

2. The detailed rules for applying paragraph 1 shall be adopted in accordance with the procedure referred to in Article 43(2) of Regulation (EC) No 1254/1999 .

↓ 1208/81 Art.6 (adapted)

Article 7

Additional provisions specifying the definition of the classes of conformation and fat cover shall be adopted in accordance with the procedure referred to in Article 43(2) of Regulation (EC) No 1254/1999 .

↓

Article 8

Regulation (EEC) No 1208/81 is repealed.

References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex IV.

Article 9

This Regulation shall enter into force ☒ on the twentieth 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 I

CONFORMATION

Development of carcase profiles, in particular the essential parts (round, back, shoulder)

Conformation class	Description
S Superior	All profiles extremely convex; exceptional muscle development (double-muscled carcase type)
E Excellent	All profiles convex to super-convex; exceptional muscle development
U Very good	Profiles on the whole convex; very good muscle development
R Good	Profiles on the whole straight; good muscle development
O Fair	Profiles straight to concave; average muscle development
P Poor	All profiles concave to very concave; poor muscle development

ANNEX II

DEGREE OF FAT COVER

Amount of fat on the outside of the carcase and in the thoracic cavity

Class of fat cover	Description
1 low	None up to low fat cover
2 slight	Slight fat cover, flesh visible almost everywhere
3 average	Flesh, with the exception of the round and shoulder, almost everywhere covered with fat, slight deposits of fat in the thoracic cavity
4 high	Flesh covered with fat, but on the round and shoulder still partly visible, some distinctive fat deposits in the thoracic cavity
5 very high	Entire carcase covered with fat; heavy fat deposits in the thoracic cavity



ANNEX III

Repealed Regulation with its amendment

Council Regulation (EEC) No 1208/81

(OJ L 123, 7.5.1981, p. 3)

Council Regulation (EEC) No 1026/91

(OJ L 106, 26.4.1991, p. 2)

ANNEX IV

CORRELATION TABLE

Regulation (EEC) No 1208/81	This Regulation
Article 1	Article 1
Article 2(1)	Article 2
Article 2(2)	Article 3
Article 3(1)	Article 4(1)
Article 3(2), first subparagraph	Article 4(2)
Article 3(2), second and third subparagraphs	Article 4(3), first and second subparagraphs
Article 3(3)	Article 4(4)
Article 4	Article 5
Article 5, first, second and third paragraphs	Article 6(1), first, second, and third subparagraph
Article 5, fourth paragraph	Article 6(2)
Article 6, first paragraph	Article 7
Article 6, second, third and fourth paragraphs	—
—	Article 8
Article 7	Article 9
Annexes I and II	Annexes I and II
—	Annex III
—	Annex IV