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COMMISSION REGULATION (EEC) No 344/91

of 13 February 1991

laying down detailed rules for applying Council Regulation (EEC) No 1186/90 to extend the scope of the Community scale for the classification of carcases of adult bovine animals

(OJ L 41, 14.2.1991, p. 15)

Amended by:

		Official Journal		
		No	page	date
►**M1**	Commission Regulation (EEC) No 3087/91 of 22 October 1991	L 291	15	23.10.1991
►**M2**	Commission Regulation (EEC) No 2191/93 of 27 July 1993	L 196	17	5.8.1993
►**M3**	Commission Regulation (EC) No 1993/95 of 16 August 1995	L 194	7	17.8.1995
►**M4**	Commission Regulation (EC) No 1215/2003 of 7 July 2003	L 169	32	8.7.2003

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COMMISSION REGULATION (EEC) No 344/91

of 13 February 1991

laying down detailed rules for applying Council Regulation (EEC) No 1186/90 to extend the scope of the Community scale for the classification of carcases of adult bovine animals

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1186/90 of 7 May 1990 extending the scope of the Community scale for the classification of carcases of adult bovine animals (¹), and in particular Article 2 thereof,

Whereas Regulation (EEC) No 1186/90, and in particular Article 1 thereof, provided for the scope of the Community scale for the classification of carcases of adult bovine animals introduced by Council Regulation (EEC) No 1208/81 at 28 April 1981 determining the Community scale for the classification of carcases of adult bovine animals (²) to be extended to cover all carcases and halfcarcases placed on the market;

Whereas the conditions for identifying classified carcases need to be specified; whereas the system of marking provided for products delivered into intervention is the most suitable for this purpose and whereas provisions should therefore be made for marking similar to that laid down in Commission Regulation (EEC) No 859/89 of 29 March 1989 laying down detailed rules for the application of intervention measures in the beef and veal sector (³), as last amended by Regulation (EEC) No 2271/90 (⁴), and in particular Article 4 (3) thereof, while authorizing the Member States to grant exceptions as to the positioning of the markings laid down therein;

Whereas according to the practices in certain Member States, on certain conditions, labelling provides the same guarantees as marking as regards the reliability of identification and in addition allows more detailed information; whereas it is therefore appropriate to allow the Member States to use labelling instead of marking;

Whereas provision should be made for indication of the category in accordance with Regulation (EEC) No 1208/81, and in particular Article 3 (1) thereof;

Whereas, in view of the limited capacity of certain smallscale slaughterhouses, recourse should be had to Article 2 (b) of Regulation (EEC) No 1186/90 and provision should be made for the possibility of waiving, at the request of a Member State, obligatory classification, where a small average number of adult bovine animals is slaughtered; whereas the Commission must, when making its decision, take account of certain circumstances, in particular the objective of gradual harmonization in this area; whereas, however, in order to simplify application of the abovementioned provision to smaller-scale establishments, it is advisable to authorize the Member States themselves to grant this waiver in the case of establishments which slaughter no more than 75 adult bovine animals per week as an annual average and in the case of carcases of animals purchased on the hoof by traders practising exclusively retail trade and slaughtered for them under contract;

Whereas in cases where an approved establishment itself bones all the obtained and classified carcases, compulsory identification no longer serves any purpose;

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(¹) OJ No L 119, 11. 5. 1990, p. 32.
(²) OJ No L 123, 7. 5. 1981, p. 3.
(³) OJ No L 91, 4. 4. 1989, p. 5.
(⁴) OJ No L 204, 2. 8. 1990, p. 45.

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Whereas classification should be carried out by staff having the necessary qualifications certified by licence or approval;

Whereas the reliability of classifications must be verified by effective checks carried out by public or private bodies having no connection with the slaughterhouses they inspect; whereas it must be possible to penalize incorrect classification, in particular by revoking the licence of the person responsible;

Whereas the Member States should be obliged to inform the Commission of the steps taken to ensure compliance with Regulation (EEC) No 1186/90 and to penalize infringements of this Regulation in particular;

Whereas the Management Committee for beef and veal has not delivered and opinion within the time limit set by its chairman;

HAS ADOPTED THIS REGULATION:

Article 1

1.   The identification referred to in Article 1 (1) of Regulation (EEC) No 1186/90 of carcases or half-carcases classified according to the Community scale for the classification of the carcases of adult bovine animals established by Regulation (EEC) No 1208/81 in approved establishments shall be carried out by means of a mark indicating the category and the class of conformation and fatness.

►**M2** This marking shall be carried out by stamping on the outside surface of the carcase using an indelible and non-toxic ink following a method approved by the competent national authorities; the letters and figures must be not less than two centimetres in height. ◄ The marks shall be applied on the hindquarters on the striploin at the level of the fourth lumbar vertebra and on the forequarters, on the brisket between 10 an 30 centimetres form the cut edge of the sternum. ►**M2** However, Member States may determine other positions on each quarter provided such positions are on the outside surface of the carcase and provided they inform the Commission beforehand. ◄

▼**M2**

2.   Without prejudice to Article 4 (3) (c) and (d) of Regulation (EEC) No 859/89 and Article 2 (2) of Commission Regulation (EEC) No 3445/90 ([1]), Member States may authorize remplacement of the marking by the use of labels under the following conditions:

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— the labels may be kept and attached only in the approved establishments which slaughter the animals; they must be of a size not less than 5 × 10 cm;

▼**M4**

— in addition to the requirements mentioned in paragraph 1, they must indicate the approval number of the slaughterhouse, the identification or slaughter number of the animal, the date of slaughter, the weight of the carcase and, where applicable, that the classification has been carried out by using automated grading techniques;

▼**B**

— the indications referred to in the second indent must be perfectly legible and no alterations shall be permitted;

▼**M2**

— the labels msut be tamper-proof, tear-resistant and firmly attached to each quarter in the places defined in paragraph 1.

▼**M4**

Where classification is carried out by using automated grading techniques, the use of labels shall be compulsory.

▼**M2**

2a.   Classification and identification must take place not later than one hour after the commencement of slaughter operations.

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([1]) OJ No L 333, 30. 11. 1990, p. 30.

▼**M4**

In cases where the automated grading techniques fail to classify carcasses, classification and identification of these carcasses must take place before the end of the daily slaughter operations.

▼**B**

3. The marks and labels must not be removed before the quarters are boned.

▼**M2**

In particular, Member States shall take appropriate steps to ensure that this provision is compiled with in intra-Community trade.

▼**B**

4. The category shall be indicated in accordance with Article 3 (1) of Regulation (EEC) No 1208/81.

▼**M2**

The indication of sub-classes or, where necessary, the break-down of categories by age shall be by means of symbols other than those used for classification.

5. For the purpose of communicating the classification results referred to in Article 1 (2) of Regulation (EEC) No 1186/90, the classes of conformation and fat cover as well as the category shall be indicated on the invoice, or on a document attached thereto, addressed to the supplier of the animal or, falling that, to the physical or legal person responsible for the slaughter operations, by means of symbols expressly provided for that purpose in Community legislation.

▼**B**

Article 2

1. At the request of a Member State, the Commission waive to the obligations concerning the classification of carcases of adult bovine animals set out in Article 1 of Regulation (EEC) No 1186/90 for approved establishments which slaughter only a small number of adult bovine animals per week as an annual average; when making its decision, the Commission shall take account of the evolution of the capacity of the slaughterhouses, the organization of classification operations and the objective of gradual harmonization in this area.

The waiver must have a limited period of validity.

2. Without prejudice to the first paragraph, Member States may decide that the requirements on classification of carcases of adult bovine animals laid down in Article 1 of Regulation (EEC) No 1186/ 90 shall not be compulsory:

— for approved establishments which slaughter not more than 75 adult bovine animals per week as an annual average,
— for retailers who purchase live animals and have them slaughtered under contract on their account.

3. The obligations relating to the identification of the carcases of adult bovine animals set out in Article 1 shall not apply to approved slaughterhouses which themselves bone all of the carcases obtained.

Article 3

▼**M3**

1. Member States shall ensure that classification is carried out by qualified technicians who have obtained a licence for this purpose. The licence may be replaced by an approval granted by the Member State where such approval corresponds to recognition of a qualification.

The performance of the classifiers operating regularly in approved establishments which slaughter more than 75 adult bovine animals per week as an annual average will be monitored quarterly by the way of an unannounced individual test carried out on 40 carcases. However in approved establishments where only one classifier regularly operates and where less than 40 carcases are available, the test shall be carried out on the number of carcases actually available, provided that this is at least 25. The test shall be operated by a body independent of the

▼__M3__

slaughterhouse and of the classification agencies and shall count towards the inspections required under paragraph 2. However the requirement to be independent of the classification agency shall not apply where the competent authority itself carried out such controls.

▼__M4__

1a. Member States may grant a licence authorising automated grading techniques for application in their territory or a part thereof. Authorisation shall be subject to meeting the conditions and minimum requirements for a certification test laid down in Annex I. At least two months prior to the start of the certification test, Member States shall provide the Commission with the information referred to in Annex II, part A. Member States shall designate an independent body which shall analyse the results of the certification test. Within two months upon completion of the certification test, Member States shall provide the Commission with the information referred to in Annex II, part B.

Where a licence is granted authorising automated grading techniques based on a certification test during which more than one carcass presentation was used, the differences between those carcass presentations shall not lead to differences in the classification results.

After having informed the Commission, Member States may grant a licence authorising automated grading techniques for application in their territory or a part thereof without organising the certification test, provided such a licence has already been granted for the same automated grading techniques for application in another part of that Member State concerned or in another Member State on the basis of a certification test with a sample of carcasses that they consider to be equally representative, in terms of category, classes of conformation and of fat cover, of the adult bovine animals slaughtered in the Member State concerned or a part thereof.

Classification by automated grading techniques shall only be valid if the carcass presentation is identical to one that was used during the certification test.

1b. Establishments operating classification by using automated grading techniques shall:

— identify the category of the carcass; for this purpose use shall be made of the system for the identification and registration of bovine animals as referred to in Title I of Regulation (EC) No 1760/2000,

— keep daily control reports on the functioning of the automated grading techniques, including in particular any shortcomings encountered and actions taken where necessary.

1c. Modifications of the technical specifications of the automated grading techniques for which a licence was granted shall only be allowed after having obtained the approval of the competent authorities of the Member State concerned and subject to proof that such modifications result in a higher level of accuracy than that obtained during the certification test.

Member States shall inform the Commission of any such modifications for which they have given their approval.

▼__M3__

2. Classification and identification of the carcases in the establishments covered by Article 1 of Regulation (EEC) No 1186/90 shall be checked on the spot without prior warning of a body independent of the slaughterhouse.

Checks must be carried out at least twice every three months in all approved establishments which operate classification and must relate to at least the same number of carcases referred to in the second subparagraph of paragraph 1, selected at random. However, in the case of the approved establishments referred to in the first indent of Article 2 (2) and of approved establishments where only one classifier regularly operates, frequency of the checks may be reduced to once every three months only.

▼**M4**

In all approved establishments operating classification by using automated grading techniques, at least six checks must be carried out every three months during the first 12 months after the licence referred to in paragraph 1a was granted. Thereafter checks must be carried out at least twice every three months in all approved establishments operating classification by using automated grading techniques. Each check must relate to at least 40 carcasses, selected at random. The checks shall in particular verify:

— the category of the carcass,

— the accuracy of the automated grading techniques by using the system of points and limits referred to in Annex I(3),

— the carcass presentation,

— the daily calibration as well as any other technical aspects of the automated grading techniques, that are relevant for ensuring that the level of accuracy obtained by using automated grading techniques is at least as good as the one achieved during the certification test,

— the daily control reports referred to in paragraph 1b.

Where the body responsible for checks is the same as that responsible for classification and identification of the carcasses or where it does not fall under the authority of a public body, the checks provided for in the second and third subparagraphs must be carried out under the physical supervision of a public body under the same conditions and at least once a year. The public body shall be informed regularly of the findings of the body responsible for checks.

▼**M3**

In cases where a significant number of incorrect classifications or of identifications failing to comply with the rules is ascertained during these inspections:

(a) the number of carcases inspected and the frequency of spot checks shall be increased; and

▼**M4**

(b) the licences provided for in paragraphs 1 and 1a may be revoked.

▼**M3**

Inspection reports referring to the controls undertaken under this Article shall be made and kept by the national controlling bodies. These reports shall include in particular the number of carcases checked and the number of those which were incorrectly classified or identified. They shall also give full details of the type of dressings used, and where applicable, of their conformity with Community rules.

▼**B**

3.   Member States shall inform the Commission of the measures taken for the application of Article 3 of Regulation (EEC) No 1186/90 and of penalties for infringements such as, in particular, the falsification and fraudulent use of stamps and labels, or classification carried out by unlicensed personnel.

Article 4

This Regulation shall enter into force on 1 June 1991.

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

▼M4

ANNEX I

Conditions and minimum requirements for authorisation of automated grading techniques

1. The Member State concerned shall organise a certification test for a jury composed of at least five licensed experts in classification of carcases of adult bovine animals. Two members of the jury will come from the Member State performing the test. The other members of the jury will each come from another Member State. The jury shall comprise an uneven number of experts. The Commission services and other Member States' experts may attend the certification test as observers.

   The members of the jury will work in an independent and anonymous way.

   The Member State concerned will nominate a coordinator of the certification test who shall:

   — not be part of the jury,

   — have satisfactory technical knowledge and be fully independent,

   — monitor the independent and anonymous functioning of the members of the jury,

   — collect the classification results of the members of the jury and those obtained by using the automated grading techniques,

   — ensure that, during the entire duration of the certification test, the classification results obtained by using the automated grading techniques shall not be available to any of the members of the jury and vice versa nor to any other interested party,

   — validate the classifications for each carcase and may decide, for objective reasons to be specified, to reject carcases from the sample to be used for the analysis.

2. For the certification test:

   — each of the classes of conformation and of fat cover shall be subdivided into three subclasses,

   — a sample of at minimum 600 validated carcases shall be required,

   — the percentage of failures shall be no more than 5 % of the carcases that are fit for classification by using automated grading techniques.

3. For each validated carcase, the median of the results of the members of the jury shall be considered as the correct grade of that carcase.

   To estimate the performance of the automated grading techniques, the results of the automated classification machine shall, for each validated carcase, be compared to the median of the results of the jury. The resulting accuracy of the grading by automated grading techniques is established by using a system of points that are attributed as follows:

	Conformation	Fat cover
No error	10	10
Error of 1 unit (i.e. 1 subclass up or down)	6	9
Error of 2 units (i.e. 2 subclasses up or down)	− 9	0
Error of 3 units (i.e. 3 subclasses up or down)	− 27	− 13
Error of more than 3 units (i.e. more than 3 subclasses up or down)	− 48	− 30

   With a view to authorisation, the automated grading techniques should achieve at least 60 % of the maximum number of points for both conformation and fat cover.

   In addition, the classification by using the automated grading techniques must be within the following limits:

▼__M4__

	Conformation	Fat cover
Bias	± 0,30	± 0,60
Slope of the regression line	1 ± 0,15	1 ± 0,30

▼__M4__

	Conformation	Fat cover
Bias	± 0,30	± 0,60
Slope of the regression line	1 ± 0,15	1 ± 0,30

▼__M4__

ANNEX II

A. **Information to be provided by Member States as regards the organisation of a certification test for authorising automated grading techniques**

— the dates on which the certification test shall take place,

— a detailed description of the carcasses of adult bovine animals classified in the Member State concerned or a part thereof,

— the statistical methods used for selecting the sample of carcasses that shall be representative, in terms of category, classes of conformation and of fat cover, of the adult bovine animals slaughtered in the Member State concerned or a part thereof,

— the name and address of the abattoir(s) where the certification test shall take place, an explanation of the organisation and performance of the processing line(s), including the speed per hour,

— the carcass presentation(s) that shall be used during the certification test,

— a description of the automated grading machine and its technical functions, in particular the security concept of the machine against any type of manipulation,

— the licensed experts nominated by the Member State concerned to take part in the certification test as members of the jury,

— the coordinator of the certification test, proving his satisfactory technical knowledge and full independence,

— the name and address of the independent body designated by the Member State concerned that shall analyse the results of the certification test.

B. **Information to be provided by Member States as regards the results of a certification test for authorising automated grading techniques**

— a copy of the classification sheets completed and signed by the members of the jury and by the coordinator during the certification test,

— a copy of the classification results obtained by using automated grading techniques signed by the coordinator during the certification test,

— a report of the coordinator on the organisation of the certification test in view of the conditions and minimum requirements set out in Annex I,

— a quantitative analysis, according to a methodology to be agreed upon by the Commission, of the results of the certification test indicating the classification results of each expert classifier and those obtained by using the automated grading techniques. The data used for the analysis must be provided in an electronic format to be agreed upon by the Commission,

— the accuracy of the automated grading techniques established in accordance with the provisions in Annex I(3).