

Commission Implementing Regulation (EU) 2019/627 of 15 March 2019 laying down uniform practical arrangements for the performance of official controls on products of animal origin intended for human consumption in accordance with Regulation (EU) 2017/625 of the European Parliament and of the Council and amending Commission Regulation (EC) No 2074/2005 as regards official controls (Text with EEA relevance)

### TITLE III

#### **SPECIFIC REQUIREMENTS FOR THE PERFORMANCE OF OFFICIAL CONTROLS AND THE UNIFORM MINIMUM FREQUENCY FOR OFFICIAL CONTROLS ON FRESH MEAT**

#### *CHAPTER III*

#### ***Communication of inspection results and measures to be taken by competent authorities in cases of specific non-compliance with requirements for fresh meat and for animal welfare***

#### *Article 39*

#### **Measures concerning the communication of the results of official controls**

- 1 The official veterinarian shall record and evaluate the results of official controls carried out in accordance with Articles 7 to Article 38.
- 2 The following actions shall be taken by the official veterinarian where inspections reveal the presence of any disease or condition that might affect human or animal health, or compromise animal welfare:
  - a the official veterinarian shall inform the slaughterhouse operator;
  - b where the problem referred to in this paragraph arose during primary production and relates to human health, animal health, animal welfare or residues of veterinary medicinal products, unauthorised or prohibited substances, pesticide residues, feed additives or contaminants, the official veterinarian shall inform:
    - (i) the veterinarian attending the holding of provenance;
    - (ii) the official veterinarian who carried out any ante-mortem inspection at the holding of provenance, where different from (i);
    - (iii) the food business operator responsible for the holding of provenance (provided that such information would not prejudice subsequent legal proceedings); and,
    - (iv) the competent authorities responsible for supervising the holding of provenance or the hunting area;
  - c where the animals concerned were raised in another country, the official veterinarian shall ensure that the country's competent authorities are informed.
- 3 The competent authorities shall enter the results of official controls in relevant databases, at least where the collection of such information is required under Article 4 of

Directive 2003/99/EC, Article 8 of Council Directive 64/432/EEC<sup>(1)</sup> and Annex III to Directive 2007/43/EC.

4 Where the official veterinarian, while carrying out ante-mortem or post-mortem inspection or any other official control, suspects the presence of an animal disease for which animal health rules are laid down in Regulation (EU) 2016/429, he/she shall notify the competent authorities. The official veterinarian and competent authorities, within their respective areas of competence, shall take all necessary measures and precautions to prevent the possible spread of the disease agent.

5 The official veterinarian may use the model document in Annex I for the purpose of communicating the relevant results of ante-mortem and post-mortem inspections to the holding of provenance where the animals were kept before slaughter.

6 Where the animals were kept on a holding of provenance in another Member State, the competent authorities of the Member State in which they were slaughtered shall communicate the relevant results of ante-mortem and post-mortem inspections to the competent authorities in the Member State of provenance. They shall use the model document in Annex I in the official languages of both Member States involved or in a language agreed between both Member States.

#### *Article 40*

##### **Measures in cases of non-compliance with requirements for food chain information**

1 The official veterinarian shall ensure that animals are not slaughtered unless the slaughterhouse operator has been provided with, checked and evaluated relevant food chain information in accordance with Article 9(2)(a) and (b).

2 By way of derogation from paragraph 1, the official veterinarian may allow animals to undergo slaughter in the slaughterhouse if the relevant food chain information is not available. In such cases, the information shall be supplied before the meat is declared fit for human consumption and carcasses and related offal shall be stored separately from other meat pending that declaration.

3 Where relevant food chain information is not available within 24 hours of an animal's arrival at the slaughterhouse, the official veterinarian shall declare all meat from the animal unfit for human consumption. If the animal has not yet been slaughtered, it shall be killed separately from other animals taking all necessary precautions to safeguard animal and human health.

#### *Article 41*

##### **Measures in cases of non-compliance recorded in food chain information**

1 The official veterinarian shall verify that the slaughterhouse operator does not accept animals for slaughter when the food chain information or any other accompanying records, documentation or information shows that:

- a the animals come from a holding of provenance or an area subject to a movement prohibition or other restriction for reasons of animal or human health;
- b rules on the use of veterinary medicinal products have not been complied with, animals have been treated with prohibited or unauthorised substances, or the legal limits for chemical residues or contaminants have not been complied with; or
- c any other condition which might adversely affect human or animal health is present.

2 If the animals are already present at the slaughterhouse, they shall be killed separately and declared unfit for human consumption, taking precautions to safeguard animal and human health. Where the official veterinarian considers it necessary, official controls shall be carried out on the holding of provenance.

#### *Article 42*

##### **Measures in cases of misleading food chain information**

1 The competent authorities shall take appropriate action if they discover that the accompanying records, documentation or other information do not correspond to the true situation of the holding of provenance or the true condition of the animals, or aim deliberately to mislead the official veterinarian.

2 They shall take action against the food business operator responsible for the holding of provenance of the animals, or any other person involved, including the slaughterhouse operator. In particular, this action may consist of extra controls. The food business operator responsible for the holding of provenance or any other person involved shall bear the costs of such extra controls.

#### *Article 43*

##### **Measures in cases of non-compliance with requirements for live animals**

1 The official veterinarian shall verify the food business operator's compliance with its duty under point 3 in Chapter IV of Section I of Annex III to Regulation (EC) No 853/2004 to ensure that animals accepted for slaughter for human consumption are properly identified. The official veterinarian shall ensure that animals whose identity is not ascertainable are killed separately and declared unfit for human consumption. Where the official veterinarian considers it necessary, official controls shall be carried out on the holding of provenance.

2 The official veterinarian shall ensure that animals subject to an unacceptable risk of contamination of the meat during slaughter, as laid down in Article 11(4), are not slaughtered for human consumption unless they are cleaned beforehand.

3 The official veterinarian shall ensure that animals with a disease or condition that may be transmitted to animals or humans handling or eating the meat and, in general, animals showing clinical signs of systemic disease or emaciation, or any other condition rendering meat unfit for human consumption, are not slaughtered for human consumption. Such animals shall be killed separately under such conditions that other animals or carcasses cannot be contaminated, and declared unfit for human consumption.

4 The official veterinarian shall defer the slaughter of animals suspected of having a disease or condition that may adversely affect human or animal health. Such animals shall undergo detailed ante-mortem examination by the official veterinarian in order to make a diagnosis. In addition, the official veterinarian may decide that sampling and laboratory examinations must take place to supplement post-mortem inspection. If necessary to avoid contamination of other meat, the animals shall be slaughtered separately or at the end of normal slaughtering, taking all other necessary precautions.

5 The official veterinarian shall ensure that animals that might contain residues of prohibited or unauthorised pharmacologically active substances or residues of authorised pharmacologically active substances, pesticides or contaminants in excess of the levels laid

down in accordance with Union legislation, are dealt with in accordance with Articles 16 to 19 of Directive 96/23/EC.

6 The official veterinarian shall impose the conditions under which animals shall be dealt with under a specific scheme for the eradication or control of a specific disease, such as brucellosis or tuberculosis, or zoonotic agents such as salmonella, under his/her direct supervision. The competent authorities shall determine the conditions under which such animals may be slaughtered. These conditions shall be designed to minimise the contamination of other animals and the meat of other animals.

As a rule, animals that are presented to a slaughterhouse for slaughter shall be slaughtered there. However, in exceptional circumstances, such as a serious breakdown of the slaughter facilities, the official veterinarian may allow direct movements to another slaughterhouse.

Where non-compliance which results in a risk to animal or human health, or animal welfare, is detected during ante-mortem inspection at the holding of provenance, the official veterinarian shall not allow the animals to be transported to the slaughterhouse and the relevant measures regarding the communication of inspection results in accordance with Article 39(2)(b)(i) and (iii) shall apply.

#### *Article 44*

##### **Measures in cases of non-compliance with requirements for animal welfare**

1 In cases of non-compliance with the rules concerning the protection of animals at the time of slaughter or killing laid down in Articles 3 to 9 and Articles 14 to 17, 19 and 22 of Council Regulation (EC) No 1099/2009, the official veterinarian shall verify that the food business operator immediately takes the necessary corrective measures and prevents recurrence.

2 The official veterinarian shall take a proportionate and stepped approach to enforcement action, ranging from issuing directions to slowing down and stopping production, depending on the nature and gravity of the problem.

3 Where appropriate, the official veterinarian shall inform other competent authorities of welfare problems.

4 Where the official veterinarian discovers non-compliance with the rules concerning the protection of animals during transport laid down in Regulation (EC) No 1/2005, he/she shall take the requisite measures in accordance with the relevant Union legislation.

5 Where an official auxiliary carries out checks on animal welfare and those checks identify non-compliance with the rules on the protection of animals, he/she shall immediately inform the official veterinarian. If necessary in urgent cases, he/she shall take the necessary measures referred to in paragraphs 1 to 4 pending the arrival of the official veterinarian.

#### *Article 45*

##### **Measures in cases of non-compliance with requirements for fresh meat**

The official veterinarian shall declare fresh meat unfit for human consumption if it:

- (a) derives from animals that have not undergone ante-mortem inspection in accordance with Article 18(2)(a) or (b) of Regulation (EU) 2017/625, except for wild game and stray reindeer referred to in Article 12(1)(b) of Delegated Regulation (EU) 2019/624;
- (b) derives from animals whose offal has not undergone post-mortem inspection in accordance with Article 18(2)(c) of Regulation (EU) 2017/625, except in case of viscera of large wild game that do not need to accompany the body to a game-handling establishment in accordance with point 4 of Chapter II of Section IV in Annex III of Regulation (EC) No 853/2004;
- (c) derives from animals that are dead before slaughter, stillborn, unborn or slaughtered under the age of seven days;
- (d) results from the trimming of sticking points;
- (e) derives from animals affected by animal diseases for which animal health rules are laid down in the Union legislation listed in Annex I to Directive 2002/99/EC, except if it is obtained in conformity with the specific requirements provided for in that Directive; this exception shall not apply if otherwise provided for in the requirements on the official controls of tuberculosis and brucellosis provided for in Articles 33 and 34 of this Regulation;
- (f) derives from animals affected by a generalised disease, such as generalised septicaemia, pyaemia, toxæmia or viraemia;
- (g) is not in conformity with the food safety criteria laid down in Chapter I of Annex I to Regulation (EC) No 2073/2005 for determining whether food may be placed on the market;
- (h) exhibits parasitic infestation, unless otherwise provided for in the requirements on the official controls for cysticercosis provided for in Article 30;
- (i) contains chemical residues or contaminants in excess of the levels laid down in Regulations (EU) No 37/2010, (EC) No 396/2005, (EC) No 1881/2006 and (EC) No 124/2009 or residues of substances that are prohibited or unauthorised under Regulation (EU) No 37/2010 or Directive 96/22/EC;
- (j) consists of the liver and kidneys of animals more than two years old from regions where implementation of plans approved in accordance with Article 5 of Directive 96/23/EC has revealed the generalised presence of heavy metals in the environment;
- (k) has been treated illegally with decontaminating substances;
- (l) has been treated illegally with ionising radiation, including UV-radiation;
- (m) contains foreign bodies, except, in the case of wild game, material used to hunt the animal;
- (n) exceeds maximum permitted radioactivity levels laid down under Union legislation or, in the absence of Union legislation, under national rules;
- (o) indicates pathological or organoleptic changes, in particular a pronounced sexual odour or insufficient bleeding (except for wild game);
- (p) derives from emaciated animals;

---

*Status: This is the original version (as it was originally adopted).*

---

- (q) contains specified risk material unless removal is allowed in another establishment in accordance with Point 4.3 of Annex V to Regulation (EC) No 999/2001 and the fresh meat remains under the control of the competent authorities;
- (r) shows soiling, faecal or other contamination;
- (s) consists of blood that may constitute a risk to human or animal health owing to the health status of any animal from which it derives or contamination arising during the slaughter process;
- (t) in the opinion of the official veterinarian, after examination of all the relevant information, may constitute a risk to human or animal health or is for any other reason not suitable for human consumption;
- (u) gives rise to specific hazards in accordance with Articles 29 to 36.

#### *Article 46*

##### **Measures in cases of non-compliance with requirements on good hygiene practices**

1 The competent authorities may instruct the food business operator to take immediate corrective action, including a reduction in the speed of slaughter, where this is considered necessary by the official present in the following cases:

- a where contamination is detected on external surfaces of a carcase or its cavities and the food business operator does not take appropriate action to rectify the situation; or
- b if the competent authorities consider that good hygiene practices are jeopardised.

2 In such cases, the competent authorities shall increase the intensity of inspection until such time as they are satisfied that the food business operator has regained control of the process.

- (1) Council Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine ([OJ L 121, 29.7.1964, p. 1977](#)).