



EUROPEAN
COMMISSION

Brussels, **XXX**
SANTE/10428/2020 feedback
(POOL/G4/2020/10428/10428-EN
feedback.docx)
[...](2020) **XXX** draft

COMMISSION DELEGATED REGULATION (EU) .../...

of XXX

**amending Delegated Regulation (EU) 2019/624 as regards certification in case of
slaughter at the holding of provenance**

(Text with EEA relevance)

This draft has not been adopted or endorsed by the European Commission. Any views expressed are the preliminary views of the Commission services and may not in any circumstances be regarded as stating an official position of the Commission.

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

Regulation (EU) 2017/625 of the European Parliament and of the Council¹ lays down rules for the performance of official controls and other control activities by the competent authorities of the Member States.

Commission Delegated Regulation (EU) 2019/624² supplements Regulation (EU) 2017/625 by laying down rules on specific official controls e.g. ante-mortem inspection.

A recent amendment to Regulation (EC) No 853/2004 of the European Parliament and of the Council³ allows under certain conditions the slaughter of domestic bovine and porcine animals, and domestic solipeds on the holding of provenance. Such amendment needs to be accompanied by an amendment of Regulation (EU) 2019/624 to ensure that a certificate accompanies such animals with the result of ante-mortem inspection.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

The proposed amendment is needed because of an amendment to Regulation (EC) No 853/2004. It has been discussed during several meetings of the relevant expert group, representing competent authorities of all Member States, and is largely supported by these experts.

In addition, private stakeholders' organisations were consulted within the framework of the Advisory Group on the Food Chain and Animal and Plant Health.

Before adopting this Delegated Regulation the Commission conducted public consultations in an open and transparent way in accordance with the procedures laid down in the Interinstitutional Agreement on Better Law-Making⁴.

Input received in the context of the above mentioned consultation activities has been taken into account in the preparation of this Delegated Regulation.

¹ Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation) (OJ L 95, 7.4.2017, p. 1)

² Commission Delegated Regulation (EU) 2019/624 of 8 February 2019 concerning specific rules for the performance of official controls on the production of meat and for production and relaying areas of live bivalve molluscs in accordance with Regulation (EU) 2017/625 of the European Parliament and of the Council (OJ L 131, 17.5.2019, p. 1)

³ Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin (OJ L 139, 30.4.2004, p. 55)

⁴ OJ L 123, 12.5.2016, p. 1.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

Commission Delegated Regulation (EU) 2019/624 and its amendments are adopted pursuant to Article 18(7) of Regulation (EU) 2017/625, both regulations which became applicable on 14 December 2019.

DRAFT

COMMISSION DELEGATED REGULATION (EU) .../...

of **XXX**

amending Delegated Regulation (EU) 2019/624 as regards certification in case of slaughter at the holding of provenance

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation)⁵, and in particular Article 18(7)(d) thereof,

Whereas:

- (1) Regulation (EU) 2017/625 lays down rules for the official controls and other official activities performed by the competent authorities of the Member States in order to verify compliance with the rules to apply Union legislation in the areas of food and food safety at all stages of the production, processing and distribution process. These official controls include ante-mortem inspection of animals intended for slaughter.
- (2) Commission Delegated Regulation (EU) 2019/624⁶ lays down criteria and conditions to determine when ante-mortem inspections may be performed at the holding of provenance.
- (3) Commission Delegated Regulation (EU) [SANTE/10432/2020, see ISC/2020/05304]⁷, amending Regulation (EC) No 853/2004 of the European Parliament and of the Council⁸ allows the slaughter of domestic bovine and porcine animals, and domestic solipeds on the holding of provenance under certain conditions. These conditions

⁵ OJ L 95, 7.4.2017, p. 1.

⁶ Commission Delegated Regulation (EU) 2019/624 of 8 February 2019 concerning specific rules for the performance of official controls on the production of meat and for production and relaying areas of live bivalve molluscs in accordance with Regulation (EU) 2017/625 of the European Parliament and of the Council (OJ L 131, 17.5.2019, p. 1)

⁷ Commission Delegation Regulation (EU) ... [SANTE/10432/2020] amending Regulation (EC) No 853/2004 of the European Parliament and of the Council on specific hygiene requirements for food of animal origin (OJ L)

⁸ Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin (OJ L 139, 30.4.2004, p. 55)

include that animals are to undergo ante-mortem inspection prior to slaughter and the result of such inspection is to be attested in an official certificate accompanying the bodies of the slaughtered animals to an approved slaughterhouse in accordance with Article 6 of Delegated Regulation (EU) 2019/624.

- (4) The scope of Article 6 of Delegated Regulation (EU) No 2019/624 should be extended to cover also to domestic bovine and porcine animals, and domestic solipeds to ensure that in case of their slaughter at the holding of provenance, the safety of the meat is not jeopardized.
- (5) Delegated Regulation (EU) 2019/624 should therefore be amended accordingly.
- (6) Since the provisions of Delegated Regulation (EU) [SANTE/10432/2020], that allow the slaughter of domestic bovine and porcine animals, and domestic solipeds at the holding of provenance under certain conditions apply from 21 April 2021, this Regulation should apply from the same date,

HAS ADOPTED THIS REGULATION:

Article 1

Article 6 of Delegated Regulation (EU) 2019/624 is amended as follows:

- (1) Paragraph 1 is replaced by the following:

‘1 The competent authorities shall apply the specific criteria and conditions laid down in this Article in the relevant cases of poultry, farmed game, domestic bovine and porcine animals, domestic solipeds poultry and farmed game,’
- (2) Point 3 is replaced by the following:

‘3 In the case of domestic bovine and porcine animals, domestic solipeds farmed game, slaughtered at the holding of provenance in accordance with Chapter VIa of section I or point 3 of Section III of Annex III to Regulation (EC) No 853/2004, the official certificate completed in accordance with the model official certificate set out in Chapter 3 of Annex IV to Commission Implementing Regulation [C(2020)8100]* shall accompany the animals to the slaughterhouse or be sent in advance in any format, instead of the certificate referred to in Article 5(2)(f) to this Regulation.

* Commission Implementing Regulation (EU) 2020/XXX of .././.... concerning model official certificates for certain categories of animals and goods and repealing Directive 98/68/EC, Decisions 2000/572/EC, 2003/779/EC and 2007/240/EC, Regulation (EC) No 599/2004, Implementing Regulations (EU) No 636/2014 and (EU) 2019/628 (OJ L ..., .././....., p. ..)[C(2020)8100]’

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 21 April 2021 on.

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

Done at Brussels,

For the Commission
The President
Ursula VON DER LEYEN

DRAFT