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REPORT

on the proposal for a Council regulation amending Regulation (EC) No 1234/2007 establishing a common organisation of agricultural markets as regards the marketing standards for poultrymeat
(COM(2008)0336 – C6-0247/2008 – 2008/0108(CNS))

Committee on Agriculture and Rural Development

Rapporteur: Ilda Figueiredo

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- *** Assent procedure
*majority of Parliament's component Members except in cases
covered by Articles 105, 107, 161 and 300 of the EC Treaty and
Article 7 of the EU Treaty*
- ***I Codecision procedure (first reading)
majority of the votes cast
- ***II Codecision procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- ***III Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

(The type of procedure depends on the legal basis proposed by the Commission.)

Amendments to a legislative text

In amendments by Parliament, amended text is highlighted in ***bold italics***. In the case of amending acts, passages in an existing provision that the Commission has left unchanged, but that Parliament wishes to amend, are highlighted in **bold**. Any deletions that Parliament wishes to make in passages of this kind are indicated thus: [...]. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). Suggested corrections of this kind are subject to the agreement of the departments concerned.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a Council regulation amending Regulation (EC) No 1234/2007 establishing a common organisation of agricultural markets as regards the marketing standards for poultrymeat
(COM(2008)0336 – C6-0247/2008 – 2008/0108(CNS))**

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2008)0336),
 - having regard to Article 37 of the EC Treaty, pursuant to which the Council consulted Parliament (C6-0247/2008),
 - having regard to Rule 51 of its Rules of Procedure,
 - having regard to the report of the Committee on Agriculture and Rural Development and the opinion of the Committee on the Environment, Public Health and Food Safety (A6-0223/2009),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to alter its proposal accordingly, pursuant to Article 250(2) of the EC Treaty;
 3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
 4. Asks the Council to consult Parliament again if it intends to amend the Commission proposal substantially;
 5. Instructs its President to forward its position to the Council and Commission.

Amendment 1

Proposal for a regulation – amending act

Recital 5

Text proposed by the Commission

Amendment

(5) The exclusive reference to cold treatment in the definition of 'poultrymeat' is too restrictive in view of technological developments. That definition should therefore be adapted.

deleted

Justification

The Commission proposal aims at altering the definition of poultrymeat with a view to authorising the marketing of such meat where it has received anti-microbe treatment against the surface contamination of poultry carcasses. On 16 June 2008, Parliament adopted a resolution expressing its concern at this measure, since the proposal does not meet the requirements of EU citizens as regards food hygiene and safety.

Amendment 2

Proposal for a regulation – amending act Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) Compulsory indication of the origin or source of the meat enables consumers to make a properly informed choice.

Justification

A recent study has suggested that 75% of consumers in the EU respond to the labelling of a product, and in particular the denomination of origin, as a crucial factor when deciding whether to buy.

Amendment 3

Proposal for a regulation – amending act Recital 6 b (new)

Text proposed by the Commission

Amendment

(6b) So as to provide optimal information to consumers, indicating the date of slaughter of the bird should be mandatory where the labelling of all poultrymeat products is concerned.

Justification

In line with existing Community legislation where the goal is not to mislead the consumer, the mandatory marking of the date of slaughter on all poultrymeat products will serve to provide consumers with optimal information so as to determine the 'freshness' of a product.

Amendment 4

Proposal for a regulation – amending act

Annex – point 2

Regulation (EC) No 1234/2007

Annex XIV – part B — part II — point 1

Text proposed by the Commission

1. 'poultrymeat' means ***the edible parts of farmed birds falling within CN code 0105.***

Amendment

1. 'poultrymeat' means ***poultrymeat which is suitable for human consumption and has undergone no treatment other than refrigeration.***

Justification

Exclusive reference in the definition of 'poultrymeat' to treatment by refrigeration should ensure that products are not treated with decontaminating substances. To authorise anti-microbe treatments for the decontamination of poultry carcasses intended for human consumption would constitute a severe threat to the Community norms and standards, and would be a blow in the face of the efforts and adjustments that have been achieved by professionals in the poultry sector in the reduction of bacterial infection rates in the Union. It would also have a highly damaging impact on Community policy in the field and on the credibility of the Community's efforts to promote high standards of hygiene and safety for food products in the world arena.

Amendment 5

Proposal for a regulation – amending act

Annex – point 2

Regulation (EC) No 1234/2007

Annex XIV – part B – part II – point 2

Text proposed by the Commission

2. 'fresh poultrymeat' means poultrymeat which has not been stiffened at any time by the cooling process prior to being kept at a temperature not below -2°C and not higher than +4°C. However, ***Member States may lay down different temperature requirements for a short period for the cutting and storage of fresh poultrymeat performed in retail shops or in premises adjacent to sales points, where the cutting and storage are performed solely for the purpose of supplying the consumer***

Amendment

2. 'fresh poultrymeat' means poultrymeat which has not been stiffened at any time by the cooling process prior to being kept at a temperature not below -2°C and not higher than +4°C. However, ***fresh poultrymeat, where intended for the production of meat preparations, may undergo a process of stiffening at temperatures below 2°C for a brief period: indicating the date of slaughter shall be mandatory on all poultrymeat products.***

directly on the spot.

Justification

The date of slaughter of a product should be mandatory for all poultrymeat products. If provided with the date of slaughter, the consumer is able to make an informed choice of what can realistically be deemed as fresh. In addition to what is set out by the Commission in its proposal, date of slaughter labelling on a poultrymeat product should be seen as complementary to the Commission's proposed definition in the Annex, Part II, paragraph 2. Existing technologies which have to be used, such as tempering, involve stiffening the meat with a view to its being cut (as with kebabs or cutlets) or shaped (as with hamburgers). On this basis, meat preparations, even where obtained from meat which has never been frozen or deep-frozen, could no longer be classified as 'fresh' from the fact of having been stiffened.

Amendment 6

Proposal for a regulation – amending act

Annex – point 3 a (new)

Regulation (EC) No 1234/2007

Annex XIV– part B – part III a (new)

Text proposed by the Commission

Amendment

3a. The following is added:

"IIIa. Compulsory information on the label

The name of the food in the labelling of any poultrymeat product shall include an indication of:

(a) any added ingredient of a different animal origin to the rest of the meat; and

(b) any added water making up more than 5 % of the weight of the product"

Justification

Concerning the marketing of meat of bovine animals aged 12 months or less, labelling provisions have already been added to Regulation 1234/2007 (see Annex XIa - part IV). As for poultry, it is necessary to also include labelling provisions, as it is not unusual to add water or animal ingredients of a different species (such as hydrolysed beef or pork proteins) to meat, e.g. to chicken breast. In order not to mislead the consumers and in order to give them the possibility to avoid such products (e.g. on religious grounds), is essential that such practices are declared. This provision is already effective law in the UK and shall ensure that the name of the food reflects its true nature, so that consumers are accurately informed and not misled (e.g. 'chicken breast fillet' versus 'chicken breast fillet with added water').

Amendment 7

Proposal for a regulation – amending act

Annex – point 3 b (new)

Regulation (EC) No 1234/2007

Annex XIV– part B – part III b (new)

Text proposed by the Commission

Amendment

3b. The following is added:

"IIIb. Indication of price

**The price per kilogram of the food shall
be based solely on the drained net
weight."**

Justification

As poultrymeat is often sold frozen, this provision has been added in order not to mislead the consumers with regard to the labelled price.

EXPLANATORY STATEMENT

The aim of the Commission proposal is to amend Regulation (EC) No 1234/2007 establishing a common organisation of agricultural markets as regards the marketing standards for poultrymeat.

However, the most important aspect concerns the definition of 'poultrymeat'. The Commission text proposes authorising the marketing of poultrymeat for human consumption even where it has received anti-microbe treatment.

As is sufficiently known, on 19 June 2008 Parliament adopted a resolution opposing this proposal. 527 Members from across the range of political groups supported this resolution and called on the Council to reject the Commission's proposal.

Nonetheless, the Commission has not withdrawn the proposal, its rationale being the need to act on the request from the US. The American position is that the Union should authorise the importing of its poultrymeat which has undergone chemical or anti-microbe treatment. The fact is that the US can already export poultrymeat to the EU under the existing rules, provided it has not been subjected to anti-microbe treatment.

A study by the American Centre for Disease Control and Prevention suggests that the use of anti-microbe substances in the US has not reduced the incidence of infection by listeria, salmonella or other bacteria.

The practice followed in the EU, following a methodology involving the entire food chain, is more defensible insofar as it reduces the levels of pathogenic agents present in poultrymeat more effectively than does decontamination with anti-microbe substances at the end of the food chain.

The present Commission proposal thus gives rise to a high degree of concern. Furthermore, it fails to take account of the investments that have been made by professionals in the poultrymeat sector in line with the Community legislation in force, with the aim of reducing contamination by pathogenic agents and applying a methodology encompassing the entire food chain.

In view of the above, the present report makes the following proposals:

- deletion of the Commission's recital 5;
- addition of a new recital on ensuring that meat placed on the market indicates its origins in the interests of consumer information;
- maintenance of the hitherto existing definition for poultrymeat to be placed on the market (i.e. only accepting treatment by refrigeration), while ensuring that decontaminating substances are not used. This entails amending the Commission proposal - hence Amendments 3 and 4, which are tabled to the Annex (II) and concern paragraphs 1 and 2.

In the context of promoting both consumer health and the interests of poultry breeders, it is essential that Parliament confirms its position of June 2008. The Commission should then revise its proposal in line with Parliament's position.

17.2.2009

OPINION OF THE COMMITTEE ON THE ENVIRONMENT, PUBLIC HEALTH AND FOOD SAFETY

for the Committee on Agriculture and Rural Development

on the proposal for a Council regulation amending Regulation (EC) No 1234/2007 establishing a common organisation of agricultural markets as regards the marketing standards for poultrymeat
(COM(2008)0336 – C6-0247/2008 – 2008/0108(CNS))

Rapporteur: Bogusław Sonik

SHORT JUSTIFICATION

The objectives of the marketing standards for poultry meat are to safeguard the stability of the market prices in the sector, to facilitate the marketing of products and to ensure consumer safety and high food-quality standards. The marketing standards for poultry meat need to be reviewed in the light of technological developments and to include poultry meat preparations as consumer habits have changed since the 1990ies.

Under Regulation (EC) No 853/2004, the Commission proposed the authorization of the use of certain substances to remove surface contamination from poultry carcasses. The current definition of poultry meat as provided for in Council Regulation (EC) No 1234/2007 on the marketing standards for poultry meat is incompatible with the use of such substances. The proposed changes would thus have required a modification of Regulation (EC) No 1234/2007.

At the meeting of the Council for Agriculture and Fisheries, on 18-19.12.2008, the proposal for Council Regulation implementing Regulation (EC) No 853/2004 allowing the use of antimicrobial substances to remove surface contamination from poultry carcasses was rejected. The Commission is therefore expected to withdraw the amendments concerning the definition of poultry meat.

The other proposed modifications to the Regulation on marketing standards for poultry meat are maintained and concern as mentioned, the extension of the scope to include poultry meat preparations and products, and poultry meat in brine, which have become more common in trade.

The principle that poultry meat sold "fresh" may not have been frozen beforehand is proposed

to be reinforced to cover poultry meat preparations and products.

Your draftsman does not agree with this modification, as it is not in line with the definition of "fresh meat" in point 1.10 of Annex I of the 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.

AMENDMENTS

The Committee on the Environment, Public Health and Food Safety calls on the Committee on Agriculture and Rural Development, as the committee responsible, to incorporate the following amendment in its report:

Amendment 1

Proposal for a regulation – amending act Recital 5

Text proposed by the Commission

Amendment

(5) The exclusive reference to cold treatment in the definition of 'poultrymeat' is too restrictive in view of technological developments. That definition should therefore be adapted.

deleted

Justification

In accordance with the European Parliament resolution on authorisation of chlorinated chicken of 16.06.2008 as well as the likewise decision of the Council, the permission of antimicrobial treatments for poultry carcasses is not considered useful.

Amendment 2

Proposal for a regulation – amending act Annex – part 2 – point 1 Regulation (EC) No 1234/2007 Annex XIV– Part B – Part II - point 1

Text proposed by the Commission

Amendment

1. 'poultrymeat' means the edible parts of farmed birds falling within CN code 0105.

1. 'poultrymeat' means the edible parts of farmed birds falling within CN code 0105 *suitable for human consumption, which have not undergone any treatment other than cold treatment.*

Justification

In accordance with the European Parliament resolution on authorisation of chlorinated chicken of 16.06.2008 as well as the likewise decision of the Council, the permission of antimicrobial treatments for poultry carcasses is not considered useful. The amendment takes up the formulation of the current legislation.

Amendment 3

Proposal for a regulation – amending act

Annex – part 3 a (new)

Regulation (EC) No 1234/2007

Annex XIV– Part B – Part III a (new)

Text proposed by the Commission

Amendment

3a. The following Part IIIa is added:

"IIIa. Compulsory information on the label

The name of the food in the labelling of any poultrymeat product shall include an indication of:

(a) any added ingredient of a different animal origin to the rest of the meat; and

(b) any added water making up more than 5 % of the weight of the product"

Justification

Concerning the marketing of meat of bovine animals aged 12 months or less, labelling provisions have already been added to Reg. 1234/2007(see Annex XIa- part IV). As for poultry, it is necessary to also include labelling provisions, as it is not unusual to add water or animal ingredients of a different species (such as hydrolysed beef or pork proteins) to meat, e.g. to chicken breast. In order not to mislead the consumers and in order to give them the possibility to avoid such products (e.g. on religious grounds), is essential that such practice is declared. This provision is already effective law in the UK and shall ensure that the name of the food reflects its true nature so that consumers are accurately informed and not misled e.g. 'chicken breast fillet' versus 'chicken breast fillet with added water'.

Amendment 4

Proposal for a regulation – amending act
Annex – part 3 b (new)
Regulation (EC) No 1234/2007
Annex XIV– Part B – Part III b (new)

Text proposed by the Commission

Amendment

3b. The following Part IIIb is added:

"IIIb. Indication of price

***The price per kilogram of the food shall
be based solely on the drained net
weight."***

Justification

As poultrymeat is often sold frozen, this provision has been added in order not to mislead the consumers with regard to the labelled price.

PROCEDURE

Title	Amendment of Regulation (EC) No 1234/2007 establishing a common organisation of agricultural markets as regards the marketing standards for poultrymeat
References	COM(2008)0336 – C6-0247/2008 – 2008/0108(CNS)
Committee responsible	AGRI
Opinion by Date announced in plenary	ENVI 8.7.2008
Drafts(wo)man Date appointed	Bogusław Sonik 22.1.2009
Discussed in committee	9.2.2009
Date adopted	17.2.2009
Result of final vote	+: 43 -: 0 0: 0
Members present for the final vote	Margrete Auken, Liam Aylward, Johannes Blokland, John Bowis, Hiltrud Breyer, Magor Imre Csibi, Avril Doyle, Mojca Drčar Murko, Jill Evans, Anne Ferreira, Karl-Heinz Florenz, Elisabetta Gardini, Françoise Grossetête, Cristina Gutiérrez-Cortines, Satu Hassi, Gyula Hegyi, Christa Kläß, Urszula Krupa, Marie-Noëlle Lienemann, Jules Maaten, Marios Matsakis, Linda McAvan, Péter Olajos, Miroslav Ouzký, Vittorio Prodi, Guido Sacconi, Daciana Octavia Sârbu, Amalia Sartori, Carl Schlyter, Horst Schnellhardt, Richard Seeber, Bogusław Sonik, María Sornosa Martínez, Antonios Trakatellis, Thomas Ulmer, Anja Weisgerber, Åsa Westlund, Anders Wijkman, Glenis Willmott
Substitute(s) present for the final vote	Bairbre de Brún, Rebecca Harms, Johannes Lebech, Robert Sturdy

PROCEDURE

Title	Amendment of Regulation (EC) No 1234/2007 establishing a common organisation of agricultural markets as regards the marketing standards for poultrymeat		
References	COM(2008)0336 – C6-0247/2008 – 2008/0108(CNS)		
Date of consulting Parliament	19.6.2008		
Committee responsible Date announced in plenary	AGRI 8.7.2008		
Committee(s) asked for opinion(s) Date announced in plenary	ENVI 8.7.2008		
Rapporteur(s) Date appointed	Ilda Figueiredo 24.6.2008		
Discussed in committee	9.9.2008	17.2.2009	31.3.2009
Date adopted	31.3.2009		
Result of final vote	+: 25 -: 0 0: 1		
Members present for the final vote	Vincenzo Aita, Luis Manuel Capoulas Santos, Giovanna Corda, Albert Deß, Konstantinos Droutsas, Constantin Dumitriu, Michl Ebner, Ioannis Gklavakis, Lutz Goepel, Friedrich-Wilhelm Graefe zu Baringdorf, Lily Jacobs, Elisabeth Jeggle, Véronique Mathieu, Mairead McGuinness, Rosa Miguélez Ramos, James Nicholson, Neil Parish, Agnes Schierhuber, Willem Schuth, Czesław Adam Siekierski, Alyn Smith, Jeffrey Titford, László Tökés, Witold Tomczak, Donato Tommaso Veraldi, Andrzej Tomasz Zapalowski		
Substitute(s) present for the final vote	Jorgo Chatzimarkakis, Ilda Figueiredo, Roselyne Lefrançois, Catherine Neris		
Date tabled	3.4.2009		