

S.I. No. 45 of 2004

EUROPEAN COMMUNITIES (BEEF CARCASE CLASSIFICATION) REGULATIONS 2004

I, Joe Walsh, Minister for Agriculture and Food, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972), for the purposes of giving effect to Commission Regulation (EC) No. 1215/2003 of 7 July 2003¹ and giving further effect to Commission Regulation (EEC) No. 344/91 of 13 February 1991² as amended by Commission Regulation (EEC) No. 2191/93 of 27 July 1993³ and Commission Regulation (EC) No. 1993/95 of 16 August 1995⁴ hereby make the following regulations:

Citation and Commencement

1. (1) These Regulations may be cited as European Communities (Beef Carcase Classification) Regulations 2004.

(2) These Regulations come into operation on 29 January 2004.

Interpretation

2. (1) In these Regulations –

“authorised automated grading technique” means an automated grading technique licensed under Article 3(1a) of Commission Regulation (EEC) No. 344/91 of 13 February 1991² as amended by Commission Regulation (EC) No. 1993/95 of 16 August 1995⁴ and Commission Regulation (EC) No. 1215/2003 of 7 July 2003¹ and operated in accordance with Community Regulations;

“carcase” means the carcase of an adult bovine animal;

“Community Regulations” means Council Regulation (EEC) No. 1358/80 of 5 June 1980⁵, Commission Regulation (EEC) No. 1208/81 of 28 April 1981⁶, Commission Regulation (EEC) No. 2930/81 of 12 October 1981⁷, Commission Regulation (EEC) No. 563/82 of 10 March 1982⁸, Commission Regulation (EEC) no. 3402/85 of 2 December 1985⁹, Council Regulation (EEC) No. 1186/90 of May

¹ OJ No. L169, p32, 8.7.2003.

² OJ No. L41, p.15, 14.2.1991.

³ OJ No. L196, p.17, 5.8.1993.

⁴ OJ No. L194, p.7, 17.8.1995.

⁵ OJ No. L140, p.4, 5.6.1980.

⁶ OJ No. L123, p.3, 7.5.1981.

⁷ OJ No. L293, p.6, 13.10.1981.

⁸ OJ No. L207, p43, 15.7.82.

⁹ OJ No. L322, p.14, 3.12.1985.

1990¹⁰, Commission Regulation (EEC) No. 344/91 of 13 February 1991², Council Regulation (EEC) No. 1026/91 of 22 April 1991¹¹, Commission Regulation (EEC) No. 2090/93 of 27 July 1993¹², Commission Regulation (EEC) No. 2191/93 of 27 July 1993³, Commission Regulation (EC) No. 1993/95 of 16 August 1995⁴, Commission Regulation (EC) No. 295/96 of 16 February 1996¹³, Commission Regulation (EC) No. 2181/2001 of 9 November 2001¹⁴ and Commission Regulation (EC) No. 1215/2003 of 7 July 2003¹;

“daily classification sheet” means a record of classification and weight of carcasses produced in accordance with Regulation 7;

“export premises” means an establishment approved under Regulation 4 and is not subject to a derogation under Regulation 5 or 6 of the European Communities (Fresh Meat) Regulations 1997 (S.I. No. 434 of 1997);

“licensed classifier” means a person licensed by the Minister to classify carcasses at an export premises in accordance with Regulation 3;

“Minister” means the Minister for Agriculture and Food;

“Regulations of 1994” means the European Communities (Beef Classification) Regulations 1994 (S.I. No. 8 of 1994);

“slaughterer” means the person who carries on the business of slaughtering bovine animals at export premises;

“supervisory officer” means an officer of the Minister appointed by the Minister under Regulation 11;

“vendor” means a person who sells a live adult bovine animal to a slaughterer in consideration of a price calculated by reference to the carcass weight of the animal.

(2) A word or an expression used in these Regulations and is also used in the Community Regulations has, unless the contrary intention appears, the same meaning in these Regulations that it has in the Community Regulations.

(3) In these Regulations –

(a) a reference to a Regulation is a reference to a Regulation in these Regulations unless it is indicated that reference to some other Regulation is intended, and

¹⁰ OJ No. L119, p.32, 11.5.90.

¹¹ OJ No. L106, p.2, 26.4.91.

¹² OJ No. L190, p.9, 30.7.1993.

³ OJ No. L196, p.17, 5.8.1993.

⁴ OJ No. L194, p.7, 17.8.1995.

¹³ OJ No. L39, p.1, 17.2.96.

¹⁴ OJ No. L293, p.8, 10.11.01.

¹ OJ No. L169, p.32, 8.7.2003.

(b) a reference to a paragraph or subparagraph is a reference to a paragraph or subparagraph in the provision where the reference occurs unless it is indicated that reference to some other provision is intended.

Licensed classifier

3. (1) A person who has completed suitable training and wishes to become a licensed classifier shall apply to the Minister for a licence to classify carcasses at such export premises as are specified in the application.

(2) The Minister may grant a licence to -

(a) a person who applies under paragraph (1) in relation to such export premises as the Minister considers appropriate where the person exhibits that he or she has achieved a standard of classification acceptable to the Minister, or

(b) any officer of the Minister that the Minister considers fit to be a licensed classifier.

(3) An application for licence shall be in such form as the Minister may determine.

(4) A licence may be for a fixed period and may specify such terms and conditions as the Minister considers appropriate.

(5) The Minister may revoke or alter the terms and conditions of the licence where he or she is satisfied that the holder of the licence is no longer a fit person to hold a licence or satisfy a term or condition of the licence.

(6) A person shall not act as a licensed classifier without a valid licence under this Regulation.

Classification

4. (1) Each carcase shall be presented in accordance with Article 2(1) of Council Regulation (EEC) No. 1208/81 of 28 April 1981⁶ and shall be dressed as specified in Article 2(2) of that Regulation prior to classification in accordance with these Regulations and the Community Regulations.

(2) Where presented with a carcase that does not satisfy paragraph (1), the licensed classifier shall request the slaughterer to rectify the presentation and dressing of the carcase and if the slaughterer is unable to satisfy the requirements of that paragraph, the licensed classifier may reject the carcase.

(3) The slaughterer shall keep a record of every carcase to which paragraph (2) refers recording –

(a) the manner in which the carcase failed to satisfy the requirements of paragraph (1), and

⁶ OJ No. L123, p.3, 7.5.81

(b) the final classification.

(4) Subject to paragraph (5) and other than where a notice under Regulation 12(1)(i) has been issued, where an authorised automated grading technique is available at the export premises, classification shall be completed by this method.

(5) Where authorised automated grading technique fails to classify a carcass or is not available at the export premises, a licensed classifier or a supervisory officer may classify the carcass in accordance with Community Regulations.

(6) A licensed classifier may review the classification of the carcass made by a licensed classifier under this Regulation and amend it where he or she believes the classification to be erroneous.

Weighing carcass

5. (1) Not more than one hour after slaughter, the slaughterer shall weigh the carcass and the cold weight will be recorded as the hot weight less 2 per cent.

(2) The slaughterer shall record the weight of each carcass and the name of the person who was operating the weighing scales.

(3) The slaughterer shall at the request of the Minister prohibit named persons from operating weighing scales.

(4) The slaughterer shall check and record the accuracy of the weighing scales used for the purposes of paragraph (1) as requested by the Minister.

(5) A licensed classifier may review the determination of weight by the slaughterer and amend it where it is found to be erroneous.

(6) For the purposes of enabling the accuracy of weighing scales at an export premises to be checked from time to time, the slaughterer shall keep at the export premises and make available a set of weights, totalling not less than 260 kg in weight and conforming to the Metrology Act 1996 (No. 27 of 1996)

(7) The slaughterer shall produce evidence of compliance of conformity assessment procedures under section 14 of the Metrology Act 1996 at the request of the Minister.

(8) The Minister may by notice in writing suspend weighing operations of a slaughterer under this Regulation where the slaughterer –

- (a) fails to comply with this Regulation, or
- (b) pending production of evidence requested of the slaughterer under paragraph (7).

(9) A notice under paragraph (8) shall state the duration of the suspension and its commencement.

(10) Where the Minister suspends the weighing operations of a slaughterer under paragraph (8), the slaughterer shall not weigh any carcase for the duration of the suspension.

Labelling

6. (1) Immediately following classification, the slaughterer shall label the carcase in accordance with the Community Regulations and the directions of the Minister.
- (2) A person, other than a licensed classifier, shall not amend or otherwise interfere with a label placed on a carcase in compliance with paragraph (1).
- (3) Where a licensed classifier amends the weight under Regulation 5 or the classification under Regulation 4, he or she shall alter the label and record the amendment in a manner determined by the Minister.

Daily classification sheet

7. (1) The slaughterer shall produce a record of the determination of classification and weight within a reasonable period following such determinations and the record (“daily classification sheet”) shall be made available to a supervisory officer on request.
- (2) The slaughterer shall furnish two legible copies of daily classification sheets produced under paragraph (1) to the Minister on the day that the slaughter takes place.
- (3) The slaughterer shall retain a record of any daily classification sheet for two years from the date the said record is produced.
- (4) The daily classification sheet shall be produced in a manner, format and design approved by the Minister and the manner, format and design shall not be altered in any way without the prior approval of the Minister.

Identification

8. (1) The slaughterer shall apply an identifying number to each carcase within one hour of slaughter.
- (2) Subject to paragraphs (3) and (4), the identifying number for the purposes of this Regulation shall be a sequential four digit number consecutively assigned commencing with number 0001,
- (3) Where a carcase is assigned an identifying number 9999 in accordance with paragraph (a), the next carcase at that export premises shall be assigned the number 0001 and paragraph (a) applies to all other carcasses, and
- (4) On commencement of these Regulations, the Minister may permit, on the commencement of these Regulations, an identifying number other than number 0001 to be used provided that sequential four digit numbers are assigned consecutively from the identifying number permitted by the Minister.
- (4) The slaughterer shall establish and operate a system that enables the –

- (a) identification of the carcass from the unique identifier of the live animal issued under the National Beef Assurance Scheme Act 1999 (No. 2 of 1999), and
- (b) identification of the live animal from the identifying number applied under paragraph (1).

Information to be supplied to vendor

9. The slaughterer shall at the time of payment for the live animal furnish the vendor with a statement of the weight and classification determined in accordance with these Regulations and such other information and in a format that the Minister may determine.

Price reporting

10. The slaughterer shall record and report prices as provided for in Council Regulation (EC) No. 1254/1999 of 17 May 1999¹⁵ in a format that the Minister may determine.

Appointment of supervisory officers

11. (1) The Minister may appoint such and so many persons as he or she thinks fit to be officers (“supervisory officers”) for the purposes of these Regulations.
- (2) The Minister may in appointing supervisory officers assign additional functions and duties as specified in an appointment to a limited number of supervisory officers (“professional supervisory officers”).
- (3) (a) The Minister may revoke an appointment made under paragraph (1) at any time and the appointment shall cease if the supervisory officer ceases to be employed by the Minister.
- (b) A professional supervisory officer shall cease to be such if he or she ceases to be a supervisory officer.
- (4) A supervisory officer shall be furnished with a warrant of his or her appointment and shall produce the warrant when exercising a power conferred on him or her if requested by a person affected.

Powers of supervisory officers

- 12.(1) A supervisory officer may at all reasonable times—
- (a) enter any premises in which he or she has reasonable grounds for believing are kept carcasses, daily classification sheets, records or other documents in relation to slaughter or price paid for a bovine animal or extracts from such sheets, records or documents whether kept in legible form or otherwise,
 - (b) require any person to produce any carcasses, books, records or other documents which the supervisory officer believes are in the control, possession or procurement of the person relating carcasses, daily

¹⁵ OJ No. L160, p.21, 26.6.1999.

- classification sheets, records or other documents mentioned in subparagraph (a) and require the said person to give the said officer such information as may be required in relation to an entry or to reproduce an entry in a legible form,
- (c) inspect, take copies of or extracts from any daily classification sheets, records, books or other documents,
 - (d) inspect any carcase,
 - (e) detain a carcase, records, books or other documents for such periods as may be required for the purpose of investigating whether these Regulations and Community Regulations are being complied with,
 - (f) inspect the operation of any weighing scales used to weigh carcasses and demand either that the slaughterer check the accuracy of the scales in the presence of the supervisory officer or permit the supervisory officer to check the accuracy of the scales,
 - (g) inspect the operation of an authorised automated grading technique,
 - (h) where the supervisory officer has been appointed as a professional supervisory officer examine the technical specifications of an authorised automated grading technique,
 - (i) where there is doubt regarding the accuracy of the authorised automated grading technique –
 - (i) issue a notice in writing preventing the use of the authorised automated grading technique until such time as the authorised automated grading technique has been examined by a professional supervisory officer,
 - (ii) a notice served under subparagraph (i) shall be served on the slaughterer at the export premises where the authorised automated grading technique is located, and
 - (iii) the authorised automated grading technique shall be inspected by a professional supervisory officer within 48 hours of the service of the notice and that officer will affirm or revoke the notice, and
 - (iv) a slaughterer shall not use an authorised automated grading technique while there is a notice served on the slaughterer to that effect.

(2) The slaughterer shall provide such facilities for a supervisory officer as he or she may reasonably request.

Use of authorised automated grading technique

13.(1) A person shall only use an automated grading technique that is –

- (a) an authorised automated grading technique, and
- (b) not subject to a notice served under Regulation 12(1)(i)(i).

(2) A person shall give the Minister at least 5 days notice of his or her intention to use an authorised automated grading technique at an export premises.

Authorisation for automated grading technique

14. A person seeking to authorise an automated grading technique under Community Regulations in this State should address the application for the authorisation to the Minister and supply such information in such format within such time as the Minister may determine.

Prohibition of forgery and giving false information

15. (1) A person shall not –

- (a) forge a daily classification sheet, record or document established under these Regulations or a document purporting to be an extract therefrom (hereafter in this Regulation referred to as "a forged record"),
- (b) alter with intent to defraud or deceive, or utter knowing it to be so altered any notice, daily classification sheet, record or document established under these Regulations or a document purporting to be an extract therefrom (hereafter in this Regulation referred to as "an altered record"), or
- (c) have, without lawful authority, in his or her possession a forged record or altered record.

(2) A person, in purported compliance with these Regulations, shall not give information that he or she knows to be false or misleading.

Offences

16. (1) A person who contravenes Regulation 3, 5(10) or 15 is guilty of an offence and is liable in summary conviction for a fine not exceeding €3000 or imprisonment to a term not exceeding 3 months.

(2) A person who contravenes or fails to comply with –

- (a) these Regulations (other than Regulation 3, 5(10) or 15), or
- (b) the Community Regulations

is guilty of an offence and is liable on summary conviction to a fine not exceeding €3000.

(3) A person who –

- (a) fails to comply with a request of a supervisory officer under Regulation 12, or
- (b) obstructs, hinders or interferes with a supervisory officer in the course of his or her duties under that Regulation,

is guilty of an offence and is liable on summary conviction to a fine not exceeding €3000.

(4) Where an offence is committed under these Regulations by a body corporate and is proved to have been so committed with the consent, connivance or approval of or to have been attributed to the wilful neglect on the part of any person, being a director, manager, secretary or other officer of the body corporate or a person who was purporting to act in any such capacity, that person, as well as the body corporate, is guilty of an offence and is liable to be proceeded against and punished as if he or she was guilty of the first-mentioned offence.

(5) An offence under these Regulations may be prosecuted by the Minister.

On the spot fine

17. (1) Where a supervisory officer has reasonable grounds for believing that a person is committing or has committed an offence under these Regulations (other than Regulation 3, 5(10) or 15) he or she may serve a notice in writing on that person stating that –

- (a) person is alleged to have committed the offence,
- (b) the person may during the period of 28 days on the date of the notice make to the Minister a payment of €100 accompanied by the notice, and
- (c) a prosecution in respect of the alleged offence will not be instituted during the period specified in the notice and, if the payment specified in the notice is made during that period, no prosecution in respect of the alleged offence will be instituted.

(2) Where notice is given under paragraph (1) —

- (a) a person to whom the notice applies may, during the period specified in the notice, make to the Minister at the address specified in the notice the payment specified in the notice accompanied by the notice;
- (b) the Minister receive the payment, issue a receipt for it and retain the money so paid, and any payment so received shall not be recoverable in any circumstances by the person who made it;
- (c) a prosecution in respect of the alleged offence shall not be instituted in the period specified in the notice, and if the payment so specified is made during that period, no prosecution in respect of the alleged offence shall be instituted.

(3) In a prosecution for an offence under these Regulations the onus of proving that a payment pursuant to a notice under this Regulation has been made shall lie on the defendant.

Revocation

18. The Regulations of 1994 are revoked.

Continuance

19.(1) Classification officers appointed under the Regulations of 1994 and holding office immediately before the commencement of these Regulations shall be treated as licensed classifiers as though the Minister had granted them a licence under Regulation 3 for a period not exceeding one year or until appointed supervisory officers under Regulation 11.

(2) A persons who immediately before the commencement of these Regulations was approved for the purposes of any provision of the Regulations of 1994 shall

continue to be approved for the purposes of the corresponding provision of these Regulations.

(3) All instruments, documents, appointments and letters or notices made or issued under the Regulations of 1994 and in force immediately before the commencement of these Regulations shall continue in force as if made or issued under these Regulations.

(4) Any reference to the Regulations of 1994 shall be construed as a reference to the appropriate Regulation in these Regulations.

Given under my Official Seal,
29 January 2004

Joe Walsh
Minister for Agriculture and Food

EXPLANATORY NOTE

(This note is not part of the instrument and does not purport to be a legal interpretation.)

These Regulations provide for dressing, classification, weighing and labelling of carcasses of adult bovine animals slaughtered at export approved premises. These Regulations also concern the use of mechanical classification and also price reporting by plants.