



Brussels, **XXX**
[...](2023) **XXX** draft

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

of **XXX**

supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards marketing standards for poultrymeat, and repealing Commission Regulation (EC) No 543/2008

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007¹ ('CMO Regulation'), lays down rules on marketing standards for poultrymeat and empowers the Commission to adopt delegated acts and implementing acts in that respect. In order to ensure the smooth functioning of the poultrymeat market in the new legal framework, certain rules have to be adopted by means of such acts. Those acts should replace Commission Regulation (EC) No 543/2008², which should therefore be repealed.

In its Communication 'A Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system', the Commission announced, the revision of marketing standards to provide for the uptake and supply of sustainable agricultural products and to reinforce the role of sustainability criteria taking into account the possible impact of these standards on food loss and waste.

This Delegated Regulation presents certain changes to the existing legal framework to reinforce sustainability.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

The Commission consulted experts from the Member States within the Expert Group for Agricultural Markets, sector Animal Products, in the meetings of 20 October 2022, 17 November 2022, 15 December 2022, 19 January 2023 and 22 February 2023.

The Commission transmitted the draft delegated act to the European Parliament and to the Council, when convening the Expert Group meetings.

The draft delegated regulation was posted in the European Commission portal "Have your say" from xx xxx to xx xxx 2023 to gather the views of citizens and stakeholders. It received feedback by x stakeholders. Those requests and suggestions ...

WTO partners were notified.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

The act contains 19 articles which include provisions from Commission Regulation (EC) No 543/2008 that have to be implemented by delegated acts, in accordance with the delegation given in Articles 75(2), 79, 86(a) and 89 of the CMO Regulation. Those provisions relate to the classification criteria, the marking and packing requirements, the type of farming and production method, the preservation and handling, the use of optional reserved terms, the tolerance levels and the conditions for imports and exports.

The Delegated Regulation builds on the existing legal framework and presents certain changes, taking account, amongst others, sustainability concerns and new expectations from consumers.

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¹ OJ L 347, 20.12.2013, p. 671.

² Commission Regulation (EC) No 543/2008 of 16 June 2008 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 as regards the marketing standards for poultrymeat (OJ L 157, 17.6.2008, p. 46).

Compared to the currently applicable legal framework, this delegated act introduces the following main amendments:

- Clarifying the scope, circumscribed to the poultrymeat products listed in Article 2 of this Regulation.
- Adding the definition of new products and adjusting existing definitions to ensure transparency in business-to-business transactions and take into account consumer expectations.
- Simplifying requirements on the labelling and presentation of poultrymeat.
- Allowing terms other than those currently listed in Commission Regulation 543/2008, to cover different farming methods with sustainability characteristics.
- Aligning rules on “free range” marking to those applicable for eggs when birds are prevented access to open air runs on the basis of Union legislation.

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

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supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards marketing standards for poultrymeat, and repealing Commission Regulation (EC) No 543/2008

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007³, and in particular Article 75(2), Article 79, Article 86, point (a), and Article 89 thereof,

Whereas:

- (1) In its communication of 20 May 2020 entitled ‘A Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system’⁴, the Commission announced the revision of marketing standards to provide for the uptake and supply of sustainable agricultural products and to reinforce the role of sustainability criteria taking into account the possible impact of these standards on food loss and waste. Within this context the existing poultrymeat marketing standards should also be modified taking into account technical developments and consumer demand and the evolution of avian influenza as a risk factor for producers of free range poultrymeat.
- (2) Regulation (EU) No 1308/2013 repealed and replaced Council Regulation (EC) No 1234/2007⁵. Part II, Title II, Chapter I, Section 1, of Regulation (EU) No 1308/2013 lays down rules on marketing standards for poultrymeat and empowers the Commission to adopt delegated and implementing acts in that respect. In order to ensure the smooth functioning of the poultrymeat market in the new legal framework, certain rules have to be adopted by means of such acts. This Regulation and Commission Implementing Regulation (EU) 2023/XXX⁶ [PLAN/2022/1905, to be completed by OP] should replace Commission Regulation (EC) No 543/2008⁷, which should therefore be repealed.

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³ OJ L 347, 20.12.2013, p. 671.

⁴ COM/2020/381 final.

⁵ Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) (OJ L 299, 16.11.2007, p. 1).

⁶ Commission Implementing Regulation 2023/XXX [PLAN/2022/1905, to be completed by OP] laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards marketing standards for poultrymeat.

⁷ Commission Regulation (EC) No 543/2008 of 16 June 2008 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 as regards the marketing standards for poultrymeat (OJ L 157, 17.6.2008, p. 46).

- (3) In order to allow for the smooth functioning of the poultrymeat market, marketing standards for poultrymeat should cover the classification criteria, the presentation, marking and packing requirements, the type of farming and production method, the preservation and handling, the use of optional reserved terms, the tolerance levels and the conditions for imports. Since all these aspects are closely interlinked, the rules on marketing standards for poultrymeat should be maintained as a coherent set of rules, and therefore be laid in one delegated act.
- (4) In order to provide for the marketing of poultrymeat in different classes according to conformation and appearance, it is necessary to lay down definitions relating to species, age and presentation in the case of carcasses, and anatomical conformation and content in the case of poultry cuts. In the case of the product known as ‘foie gras’ the high value and consequent risk of fraudulent practices make it necessary to lay down especially precise minimum marketing standards.
- (5) It is not necessary for those standards to be applied to certain products and presentations which are of local or otherwise limited importance. However, names under which such products are sold should not be such as to mislead the consumer to a material degree by causing confusion him to confuse these products with products which are subject to the standards. Similarly, additional descriptive terms used to qualify the names of such products should also be subject to the standards.
- (6) With a view to the uniform application of this Regulation, the terms ‘carcase’, ‘cuts’ and ‘marketing’ should be defined.
- (7) Storage and handling temperature is of crucial importance to the maintenance of high standards of quality. Therefore, it is appropriate to lay down a minimum temperature at which chilled poultrymeat products are to be kept as well as on tolerances regarding such minimum temperature.
- (8) Among the indications which may optionally be used on the labelling are those concerning the method of chilling and particular types of farming. The use of the latter, in the interest of consumer protection, needs to be subject to compliance with closely defined criteria concerning husbandry conditions, age at slaughter, length of fattening period or feed composition.
- (9) When ‘free-range farming’ is indicated on the label for meat from ducks and geese kept for foie gras production, it is necessary also to provide an indication of the latter on the label to ensure that the consumer has full information on the products’ characteristics.
- (10) In the interest of consumer protection, Member States should exercise permanent surveillance of the compatibility of poultrymeat products sold in their territories with Union law, including the marketing standards and any national measures adopted pursuant to those provisions. Undertakings using terms referring to particular types of farming should be inspected and maintain detailed records for this purpose.
- (11) In view of the specialised nature of the inspections, the competent authorities of the Member States concerned should be able to delegate responsibility for them to properly qualified and duly licensed outside bodies, without prejudice to appropriate supervision and precautions. Rules should be laid down for this purpose.
- (12) Operators in third countries may wish to make use of the optional indications concerning chilling methods and types of farming. In order to ensure that consumers benefit from accurate and reliable information, provision should be made for them to

do so, subject to appropriate certification by the competent authority of the third country concerned, which appears on a list established by the Commission.

- (13) In order to avoid consumer deception, and in view of economic and technological developments in the production of poultrymeat, the maximum water content of poultrymeat should be fixed and a monitoring system both in slaughterhouses and at all marketing stages should be defined without violating the principle of the free circulation of products in the single market.
- (14) Water absorption in the production establishment should be verified and reliable methods for the determination of the content of water added during the preparation of carcasses of frozen or quick-frozen poultry should be established without a distinction being made between physiological liquid and other water originating from the preparation of the poultry given that such a distinction would entail practical difficulties.
- (15) The marketing of non-conforming poultrymeat without a suitable indication on the packaging should be prohibited. As a result, it is necessary to adopt rules with regard to the indications to be marked on individual and bulk packaging depending on their destination so as to facilitate checks and to ensure that they are not used other than for their intended use.
- (16) Union and national reference laboratories should be designated for the harmonisation of requirements concerning water content,

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter

This Regulation supplements Regulation (EU) No 1308/2013 with rules on the marketing standards for poultrymeat, in particular:

- (a) the classification criteria and definitions;
- (b) the presentation, marking and packing requirements;
- (c) the type of farming and production method;
- (d) the preservation and handling;
- (e) the use of optional reserved terms;
- (f) the tolerance levels;
- (g) the conditions for imports.

Article 2

Scope

This Regulation applies to the poultrymeat products listed in this Article. Products other than those referred to in this Article may be marketed in the Union only under names which do not mislead the consumer by allowing confusion with those referred to in this Article or with

indications provided for in Article 10, in compliance with the provisions laid down in Regulation (EU) No 1169/2011 of the European Parliament and of the Council⁸.

For the purposes of this Regulation the products referred to in Article 75(1), point (g), of Regulation (EU) No 1308/2013 are defined as follows and the corresponding terms in the other official languages of the Union are listed in Annex I:

(1) Poultry carcasses

- (a) DOMESTIC FOWL (*Gallus domesticus*)
 - (i) chicken, broiler: fowl in which the tip of the sternum is flexible (not ossified);
 - (ii) cock, hen, casserole or boiling fowl: fowl in which the tip of the sternum is rigid (ossified);
 - (iii) capon: male fowl castrated surgically before reaching sexual maturity and slaughtered at a minimum age of 140 days: after castration the capons must be fattened for at least 77 days;
 - (iv) poussin, coquelet: chicken of less than 650 g carcass weight (expressed without giblets, head and feet); chicken of 650 g to 750 g may be called 'poussin' if the age at slaughter does not exceed 28 days. Member States may apply Article 4 of Implementing Regulation (EU) 2023/XXX [PLAN/2022/1905, to be completed by OP] for the checking of this slaughter age;
 - (v) brother cock: male chicken of laying strains in which the tip of the sternum is rigid but not completely ossified and of which the age at slaughter is at least 70 days;
- (b) TURKEYS (*Meleagris gallopavo dom.*)
 - (i) (young) turkey: bird in which the tip of the sternum is flexible (not ossified);
 - (ii) turkey: bird in which the tip of the sternum is rigid (ossified);
- (c) DUCKS (*Anas platyrhynchos dom.*, *Cairina moschata*), Mulard ducks (*Cairina moschata* x *Anas platyrhynchos*)
 - (i) young duck or duckling, (young) Muscovy duck, (young) Mulard duck: bird in which the tip of the sternum is flexible (not ossified);
 - (ii) duck, Muscovy duck, Mulard duck: bird in which the tip of the sternum is rigid (ossified);
- (d) GEESE (*Anser anser dom.*)
 - (i) (young) goose or gosling: bird in which the tip of the sternum is flexible (not ossified). The fat layer all over the carcass is thin or moderate; the fat of the young goose may have a colour indicative of a special diet;

⁸ Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004 (OJ L 304, 22.11.2011, p. 18).

- (ii) goose: bird in which the tip of the sternum is rigid (ossified); a moderate to thick fat layer is present all over the carcass;
- (e) GUINEA FOWL (*Numida meleagris domesticus*)
 - (i) (young) guinea fowl: bird in which the tip of the sternum is flexible (not ossified);
 - (ii) guinea fowl: bird in which the tip of the sternum is rigid (ossified).

For the purposes of this Regulation, variants of the terms referred to in the first subparagraph, points (a) to (e), relating to sex shall be construed as equivalent.

(2) Anatomical poultry cuts

- (a) half: half of the carcass, obtained by a longitudinal cut in a plane along the sternum and the backbone;
- (b) quarter: leg quarter or breast quarter, obtained by a transversal cut of a half;
- (c) unseparated leg quarters: both leg quarters united by a portion of the back, with or without the rump;
- (d) breast: the sternum and the ribs, or part thereof, distributed on both sides of it, together with the surrounding musculature. The breast may be presented as a whole or a half;
- (e) leg: the femur, tibia and fibula together with the surrounding musculature. The two cuts shall be made at the joints;
- (f) chicken leg with a portion of the back: the weight of the back does not exceed 25 % of that of the whole cut;
- (g) thigh: the femur together with the surrounding musculature. The two cuts shall be made at the joints;
- (h) bone-in thigh with a portion of the back: A bone-in thigh with back portion is produced by cutting a leg quarter at the joint between the tibia and the femur. The weight of the back does not exceed 35 % of that of the whole cut. The drumstick, patella, and abdominal fat are removed. The thigh with back portion consists of the thigh, attached back portion, and associated fat. The oil gland, tail, and meat adjacent to the ilium (oyster meat) may or may not be present;
- (i) drumstick: the tibia and fibula together with the surrounding musculature. The two cuts shall be made at the joints;
- (j) wing: the humerus, radius, and ulna, together with the surrounding musculature, humerus or radius/ulna together with the surrounding musculature may be presented separately. The tip, including the carpal bones, may or may not have been removed. The cuts shall be made at the joints;
- (k) unseparated wings: both wings united by a portion of the back, where the weight of the latter does not exceed 45 % of that of the whole cut;
- (l) breast fillet: the whole or half of the inner or outer breast deboned, i.e. without sternum and ribs. In the case of turkey breast, the fillet may comprise the deep pectoral muscle only;
- (m) breast fillet with wishbone: the breast fillet without skin with the clavicle and the cartilaginous point of the sternum only, the weight of clavicle and cartilage not to exceed 3 % of that of the cut;

- (n) magret, maigret: breast fillet of ducks and geese referred to in point (3) comprising skin and subcutaneous fat covering the breast muscle, without the deep pectoral muscle;
- (o) inner fillet: A tenderloin is produced by separating the inner pectoral muscle from the breast and the sternum. The inner fillet consists of a single intact muscle with or without the embedded tendon;
- (p) feet: A foot is produced by cutting a carcass leg at the joint between the metatarsus and the tibia. The carcass is removed. A foot consists of the metatarsus and four digits (phalanges) with attached meat and skin;
- (q) paws: A paw is produced by cutting a carcass leg at the joint between the metatarsus approximately at the metatarsal spur. The carcass is removed. A paw consists of a portion of the metatarsus and four digits (phalanges), with attached meat and skin;
- (r) neck: The neck is produced by cutting the neck from the carcass at the shoulder joint and removing the head. The neck consists of the neck bones with attached meat;
- (s) head: The head is produced by cutting the carcass at the upper neck and removing the carcass. The head consists of the skull bones and contents with attached beak, meat, and skin;
- (t) supreme: half of the fillet without the bone, with the first phalanx of the attached wing and with skin;
- (u) wishbone: clavicle with the surrounding musculature;
- (v) scapula: scapula bones with the surrounding musculature.

For the products referred to in the first subparagraph, points (e), (g) and (i), the wording ‘cuts shall be made at the joints’ is to mean cuts made within the two lines delineating the joints as shown in the graphical presentation in Annex II.

Products referred to in the first subparagraph, points (d) to (l), may be presented with or without skin. The absence of the skin in the case of products referred to in the first subparagraph, points (d) to (j), or the presence of the skin in the case of the product referred to in the first subparagraph, point (l), shall be mentioned on the labelling.

Deboning, trimming and portioning shall be performed without damage, for the products referred to in the first subparagraph, points (d) to (l).

For the products referred to in the first subparagraph, points (l), (n) and (o), the wording ‘fillet’ shall be used where those products have undergone cutting processes (like trimming and portioning) insufficient to modify the internal muscle fibre structure of the meat and to eliminate the characteristics of the meat.

(3) Foie gras

The livers of geese, or of ducks of the species *Cairina moschata* or *Cairina moschata* x *Anas platyrhynchos*, which have been fed in such a way as to produce hepatic fatty cellular hypertrophy.

The birds from which such livers are removed shall have been completely bled, and the livers shall be of a uniform colour.

The livers shall be of the following weight:

- (a) duck livers shall weigh at least 300 g net;
- (b) goose livers shall weigh at least 400 g net.

Article 3

Definitions

For the purposes of this Regulation, the following definitions apply:

- (a) ‘carcase’ means the whole body of a bird of the species referred to in Article 2, point (1), after bleeding, plucking and evisceration; however, removal of the kidneys shall be optional; an eviscerated carcase may be presented for sale with or without giblets, meaning heart, liver and gizzard, inserted into the abdominal cavity and with or without neck;
- (b) ‘cuts thereof’ means poultrymeat, which owing to the size and the characteristics of the coherent muscle tissue is identifiable as having been obtained from a particular part of the carcase;
- (c) ‘marketing’ means holding or displaying for sale, offering for sale, selling, delivery or any other form of marketing;
- (d) ‘labelling’ refers to the definition set out in Article 2(2), point (j), of Regulation (EU) No 1169/2011.

Article 4

Presentation of poultry carcasses

1. Poultry carcasses shall be presented for sale in one of the following forms:
 - (a) partially eviscerated (‘effilé’, ‘roped’);
 - (b) with giblets;
 - (c) without giblets.
2. The word ‘eviscerated’ may be added to the packaging.
3. Partially eviscerated carcasses are carcasses from which the heart, liver, lungs, gizzard, crop, and kidneys have not been removed.
4. For the carcase presentations referred to in paragraph 1, if the head is not removed, trachea, oesophagus and crop may remain in the carcase.
5. Giblets shall comprise only the heart, gizzard and liver, oviduct, yolks and ready to lay eggs obtained from spent hens at the slaughterhouse, and all other parts considered as edible by consumers on the market on which the product is intended for final consumption. Livers shall be without gall bladders. The gizzard shall be without the horned membrane, and the contents of the gizzard shall have been removed. The heart may be with or without the pericardial sac.

Article 5

Names of poultry carcasses and cuts

1. The names of the food within the meaning of Article 9(1), point (a), of Regulation (EU) No 1169/2011 under which the products covered by this Regulation are sold, shall be those laid down in Article 2 of this Regulation and the corresponding terms

in the other official languages of the Union listed in Annex I to this Regulation, qualified in the case of:

- (a) whole carcasses, by reference to one of the forms of presentation as laid down in Article 4(1);
 - (b) poultry cuts, by reference to the respective species.
2. The names of products referred to in Article 2, points (1) and (2), may be supplemented by other terms provided that these terms comply with fair information practices referred to in Article 7 of Regulation (EU) No 1169/2011.

Article 6

Marketing, labelling and presentation of poultrymeat

1. In the case of pre-packaged poultrymeat, the condition in which the poultrymeat is marketed in accordance with Section III of Part V of Annex VII to Regulation (EU) No 1308/2013 shall appear on the pre-packaging or on a label attached thereto.
2. By way of derogation from paragraph 1, it shall not be necessary to indicate the particulars referred to in that provision in the case of poultrymeat delivered to cutting or processing establishments.

Article 7

Temperature of frozen poultrymeat

The following provisions shall apply to frozen poultrymeat as defined in point 3 of Section II of Part V of Annex VII to Regulation (EU) No 1308/2013:

The temperature of frozen poultrymeat shall be stable and maintained, at all points in the product, at $-12\text{ }^{\circ}\text{C}$ or lower, with brief upward fluctuations of no more than $3\text{ }^{\circ}\text{C}$. These tolerances in the temperature of the product shall be permitted in accordance with good storage and distribution practice during local distribution and in retail display cabinets.

Article 8

Poultrymeat classes

1. Poultrymeat may be graded by quality as either class A or class B according to the conformation and appearance of the carcasses or cuts.
2. In order to be graded as classes A or B, poultry carcasses and cuts shall be:
 - (a) intact, taking into account the presentation;
 - (b) clean, free from any visible foreign matter, dirt or blood;
 - (c) free of any foreign smell;
 - (d) free of visible bloodstains except those which are small and unobtrusive;
 - (e) free of protruding broken bones;
 - (f) free of severe contusions.

In the case of fresh poultry, there shall be no traces of prior chilling.
3. In addition to meeting the criteria laid down in paragraph 2, in order to be graded as class A, poultry carcasses and cuts shall satisfy the following criteria:

- (a) they shall be of good conformation. The flesh shall be plump, the breast well developed, broad, long and fleshy, and the legs shall be fleshy. On chickens, young ducks or ducklings and turkeys, there shall be a thin regular layer of fat on the breast, back and thighs. On cocks, hens, ducks and young geese, a thicker layer of fat is permissible. On geese, a moderate to thick fat layer shall be present all over the carcass. In the case of breast fillet, up to 2 % in weight of cartilage (flexible tip of sternum) can be accepted.
- (b) a few small feathers, stubs (quill ends) and hairs (filoplumes) may be present on the breast, legs, back, foot joints and wing tips. In the case of boiling fowl, ducks, turkeys and geese, a few feathers, stubs (quill ends) and hairs (filoplumes) may also be present on other parts;
- (c) some damage, contusion and discoloration is permitted provided that it is small and unobtrusive and not present on the breast or legs. The wing tip may be missing. A slight redness is permissible in wing tips and follicles;
- (d) in the case of frozen or quick-frozen poultry there shall be no traces of freezer-burn as described in Annex III except those that are incidental, small and unobtrusive and not present on the breast or legs.

Article 9

Indication of chilling methods

An indication of the use of one of the following methods of chilling and the corresponding terms in the other official languages of the Union listed in Annex IV may appear on the labelling:

- (a) air chilling: chilling of poultry carcasses in cold air;
- (b) air-spray chilling: chilling of poultry carcasses in cold air interspersed with waterhaze or fine water spray;
- (c) immersion chilling: chilling of poultry carcasses in tanks of water or of ice and water, in accordance with the counterflow process.

Article 10

Optional reserved terms

1. Without prejudice to other labelling systems that cover other types of farming and that are regulated by Union legislation, the following terms and the corresponding terms in the other official languages of the Union listed in Annex V may appear on the labelling of the products referred to in Article 2, only if the relevant conditions laid down in Annex VI are fulfilled:
 - (a) ‘Fed with ... % ...’;
 - (b) ‘Extensive indoor’ (‘Barn-reared’);
 - (c) ‘Free range’;
 - (d) ‘Traditional free range’;
 - (e) ‘Free range — total freedom’.

The terms referred to in the first subparagraph may be supplemented by indications referring to the particular characteristics of the respective types of farming.

The only terms that can be used to designate products from livestock raised outdoors are those listed in the first paragraph, points (c), (d) and (e).

In respect of a product other than those meeting the conditions to be labelled with the indications listed in the first paragraph, points (c), (d), or (e) no label, commercial document, publicity material or any form of advertising or any form of presentation may be used which claims, implies or suggests that the product is from livestock raised outdoors.

When free-range production referred to in the first paragraph, points (c), (d) and (e), is indicated on the label for meat from ducks and geese kept for the production of foie gras, the term 'from foie gras production' shall also be indicated.

2. Mention of the age at slaughter or length of fattening period shall be permitted on the labelling only using the terms referred to in paragraph 1 and for an age of not less than that indicated in Annex VI, points (b), (c) or (d). However, this does not apply to products referred to in Article 2, point (1)(a)(iv).
3. Paragraphs 1 and 2 shall apply without prejudice to national technical measures going beyond the minimum requirements laid down in Annex VI, which are applicable only to producers of the Member State concerned, and provided that these national technical measures are compatible with Union law.
4. The national technical measures referred to in paragraph 3 shall be communicated to the Commission.
5. Member States may foresee the use, by food business operators, of terms other than those referred to in paragraphs 1 and 2 and set out in Annex VI, provided that:
 - (a) these terms are consistent with the method according to which the product is made, and do not mislead consumers;
 - (b) these terms do not create any confusion with the terms referred to in paragraphs 1 and 2;
 - (c) the product specifications are documented;
 - (d) appropriate checks are implemented under the scrutiny of the competent authorities of the concerned Member State.
6. Once the conditions referred to in paragraph 5 are met, Member States shall notify the Commission of these national terms before any use by food business operators. The Commission shall inform the other Member States of any notification of such terms and publish them on the Europa website.
7. At any time, and at the request of the Commission, Member States shall provide all the information necessary for assessing the compatibility with Union law of the national technical measures referred to in paragraph 3 and of the national terms referred to in paragraph 5.

Article 11

Records on optional reserved terms

1. Food business operators marketing products that use the terms referred to in Article 10(1) shall keep a separate record, by type of farming of:
 - (a) the names and addresses of the producers of such poultry, who shall be registered by the competent authority of the Member State;

- (b) at the request of the competent authority, the number of birds kept by each producer per turnround;
 - (c) the number and total live or carcase weight of such birds delivered and processed;
 - (d) details of sales, including names and addresses of purchasers, for a minimum of 6 months following dispatch.
2. The producers referred to in paragraph 1, point (a), shall keep up-to-date records, for a minimum of 6 months following dispatch, of the number of birds by type of farming, including the number of birds sold, the name and addresses of the purchasers, and quantities and source of feed supply.
- Producers using the types of farming referred to in Article 10(1), points (c), (d) and (e), shall, in addition to the information referred to in the first subparagraph of this paragraph, keep records of the date when birds were first given access to range.
3. Feed manufacturers and suppliers shall keep records for at least 6 months after dispatch of the feed showing that the composition of the feed supplied to the producers for the type of farming referred to in Article 10(1), point (a), complies with the corresponding requirements laid down in Annex VI.
4. Hatcheries shall keep records of birds of the strains recognised as slow growing supplied to the producers for the types of farming referred to in Article 10(1), points (d) and (e), for at least 6 months after dispatch of the birds.

Article 12

Supervision bodies for optional reserved terms

Bodies designated by Member States to supervise the indications referred to in Article 10 shall comply with the criteria set out in Norm ISO/IEC 17065⁹, and shall be licensed and supervised by competent authorities of the Member State concerned.

Article 13

Optional indications in imported poultrymeat

Poultrymeat imported from third countries may bear one or more of the optional indications referred to in Articles 9 and 10 if it is accompanied by a certificate issued by the competent authority of the country of origin attesting to the compliance of the products concerned with the relevant provisions of this Regulation.

On receipt of a request from a third country, the Commission shall establish a list of such authorities.

Article 14

Maximum water content in poultrymeat

1. Frozen and quick-frozen chicken carcasses may be marketed within the Union only if the water content, determined by the method of analysis laid down in Article 5 of Implementing Regulation (EU) 2023/XXX [PLAN/2022/1905, to be completed by

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⁹ ISO/IEC 17065:2012 Conformity assessment — Requirements for bodies certifying products, processes and services

OP], does not exceed the technically unavoidable values set out in Annex VII to this Regulation.

2. The following fresh, frozen and quick-frozen poultry cuts may be marketed within the Union only if the water content, determined by the method of analysis laid down in Article 8 of Implementing Regulation (EU) 2023/XXX [PLAN/2022/1905, to be completed by OP], does not exceed the technically unavoidable values set out in Annex VIII to this Regulation:
 - (a) chicken breast fillet, with or without wishbone, without skin;
 - (b) chicken breast, with skin;
 - (c) chicken thighs, drumsticks, legs, legs with a portion of the back, leg quarters, with skin;
 - (d) turkey breast fillet, without skin;
 - (e) turkey breast, with skin;
 - (f) turkey thighs, drumsticks, legs, with skin;
 - (g) deboned turkey leg meat, without skin.
3. The maximum levels of water absorbed in chicken carcasses in the slaughterhouses are laid down in Annex IX.
4. The competent authority of a Member State may authorise the marketing of poultrymeat not compliant with paragraphs 1 or 2 provided that the packaging is marked with a tape or label bearing, in red capital letters, at least one of the indications laid down in Annex X.

These indications shall be marked in a conspicuous place so as to be easily visible, clearly legible and indelible. They shall not be in any way hidden, obscured or interrupted by other written or pictorial matter. The letters shall be at least 1 cm high on the individual packaging and 2 cm on bulk packaging.

Article 15

Notification of checks on water content

1. The competent authorities of the Member States shall inform the national reference laboratory without delay about the results of the checks referred to in Articles 5, 6 and 7 of Implementing Regulation (EU) 2023/XXX [PLAN/2022/1905, to be completed by OP], carried out by them or under their responsibility.

By 30 June of each year, the national reference laboratories shall notify the Commission of the results of checks referred to in Articles 5, 6 and 7 of Implementing Regulation (EU) 2023/XXX [PLAN/2022/1905, to be completed by OP]. The committee referred to in Article 229(1) of Regulation (EU) No 1308/2013 shall be informed by the Commission of the results of the checks.
2. The Member States shall adopt all necessary measures for the checks referred to in Articles 5, 6 and 7 of Implementing Regulation (EU) 2023/XXX [PLAN/2022/1905, to be completed by OP]. They shall inform the other Member States and the Commission of these measures. Any changes to these measures shall be communicated to the other Member States and to the Commission.

Article 16

Board of experts in monitoring water content

A board of experts in monitoring water content in poultrymeat shall act as a coordinating body for the testing activities of the national reference laboratories. It shall consist of representatives of the Commission and national reference laboratories. The tasks of the board and of national reference laboratories, as well as the organisational structure of the board, are set out in Annex XI.

Article 17

Repeal

Regulation (EC) No 543/2008 is repealed.

References to the repealed Regulation shall be construed as references to this Regulation and to Implementing Regulation (EU) 2023/XXX [PLAN/2022/1905, to be completed by OP], as appropriate, and be read in accordance with the correlation table set out in Annex XII to this Regulation.

Article 18

Entry into force

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

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

Done at Brussels,

For the Commission
The President
Ursula von der Leyen