

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

2013/0140(COD) - 06/05/2013 - Legislative proposal

PURPOSE: to lay down a harmonised approach governing the performance of official controls to ensure the uniform application of the agri-food chain rules across the EU.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: in order to afford European Union (EU) citizens a high level of human, animal and plant health, and guarantee the functioning of the internal market, Union legislation provides for a set of harmonised rules to prevent, eliminate or reduce the level of health risk to humans, animals and plants, which may arise along the 'agri-food chain'.

To ensure that this extensive set of rules is enforced by the Member States (MS) across the EU in a harmonised manner, a legislative framework for the organisation of official controls has been established through Regulation (EC) No 882/2004.

Based on an extensive review of the provisions of the Regulation, the Commission proposes revising the legislation on official controls to overcome shortcomings identified in its wording and in its application. The aim is to **simplify and clarify the system and to establish a single framework applicable to all official controls along the entire food chain.**

The proposal replaces and repeals Regulation (EC) No 882/2004 and a number of sectoral acts and provisions which will be made redundant by its adoption. It is part of a comprehensive package that also includes three major reviews to modernise the [animal health](#), [plant health](#) and [plant reproductive material](#) *acquis*.

IMPACT ASSESSMENT: the retained option was that which involves: (i) **streamlining** the legislative framework; (ii) **integrating** within the Regulation's scope plant health, plant reproductive material (PRM) and animal by-products (ABP); and (iii) **extending** mandatory fees to cover all controls performed.

LEGAL BASIS: Articles 43(2), 114 and 168(4)(b) of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: the proposal aims to modernise and sharpen enforcement tools, and in particular official controls, as laid down in the existing Regulation, to simplify the legislative framework. It lays down **harmonised rules at EU level** aimed at providing a comprehensive and coherent approach to official controls along the entire agri-food chain.

- **Scope:** it is proposed to integrate the rules currently applicable to official controls in specific areas currently governed by separate sets of rules (e.g. controls on residues of veterinary medicinal

products in live animals and animal products, and plant health controls) into the framework of a single Regulation.

- **Lightening administrative burdens:** the proposal makes changes in a number of situations where it is possible to alleviate the burden of organising and implementing official controls by **eliminating redundant requirements** (e.g. separate reporting from official controls on residues of veterinary medicinal products) or allowing a proportionate and flexible approach to some specific situations (e.g. not requiring full accreditation of official laboratories in case of emergencies).
- **Sampling:** requirements on methods of sampling and of laboratory analysis, testing and diagnosis will become applicable to official controls and to other official activities in all the sectors covered by the Regulation (e.g. to surveillance, monitoring and survey activities in the plant health and animal health sectors). A 5 years transitional period will thus be foreseen for the plant health and plant propagating material sectors. The rules for the choice of the method to be used by the official laboratory will be clarified and extended so as to require that methods meet state-of-the-art scientific standards.
- **Official controls on animals and goods entering the Union:** as far as imports are concerned, it is essential that all foodstuffs available on the EU market are safe. The proposal includes therefore **a set of common and comprehensive rules applicable to controls performed on animals and goods from third countries**. Border Control Posts (BCPs) will replace the different entities currently tasked with border control duties. A **Common Health Entry Document (CHED)** will be used (i) by operators for the mandatory prior notification of arrival of consignments of animals and goods and (ii) by competent authorities to record controls on such consignments and any decisions taken.
- **Financing of official controls:** Member States will be required to ensure that adequate financial resources are available to provide the staff and other resources necessary to the competent authorities to perform official controls and the other activities referred to in the Regulation. The proposal **maintains the system of mandatory fees and extends it to most official controls. Micro-enterprises will be exempted** from the payment of such fees.
- **Administrative assistance and cooperation:** the administrative assistance and cooperation provisions of the Regulation will be reinforced and clarified so as to increase their usability and effectiveness as a tool for tackling cross-border non-compliances. The proposal envisages the creation of an integrated information management system for official controls, which will allow the integrated operation and updating of all existing and future computerised systems through which information, data and documents regarding official controls are exchanged among competent authorities, and with the Commission.

BUDGETARY IMPLICATIONS: the proposal does not imply incurring any expenditure which is not already foreseen in the financial statement of the common financial framework. No additional human resources are envisaged either.

DELEGATED ACTS: the proposal includes provisions empowering the Commission to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union.