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

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The objective of ensuring a high level of health for humans, animals, and plants is enshrined in the Treaties underpinning the EU. Over the years, the EU has built up a **comprehensive body of law** designed to prevent and manage risks to animal and plant health and the safety of the food chain at EU and national level. The law in these policy areas is enforced by means of a common set of rules on official controls to be carried out by the competent authorities in the EU Member States.

To date, overall, the legal framework which the EU has developed has proven to be effective in preventing and countering risks. However, the modern global market increasingly exposes the EU to new risks and constantly calls for innovation and competitiveness. This, and the experience gained with EU law in this area, point to the **need to simplify and update available instruments and to further integrate the approach across the different areas**. The Commission has conducted a revision of the current legal framework for animal health, plant health, plant reproductive material and official controls aimed mainly at increasing effectiveness, consistency and legal clarity in those areas.

This Communication presents the resulting four legislative proposals in the four areas of animal health, plant health, plant reproductive material and **official controls** (the 'review package') and explains, for each of them, the current context, the rationale behind the package and the main improvements introduced. The package also includes a fifth proposal establishing a multiannual programme for EU financing of actions aimed at ensuring a high level of health for humans, animals and plants along the agri-food chain and in related areas while allowing businesses to operate in an environment that favours competitiveness and job creation.

A high level of health along the agri-food chain depends on **consistent, effective and timely enforcement of EU standards** by the Member States. The correct application of agri-food chain rules and of the rules on animal health and animal welfare, on plant health, on plant reproductive material and on plant protection products must be ensured across the EU for humans, plants and animals to be healthier and for the internal market to thrive and work smoothly. For this to be possible, the relevant authorities in the Member States must be given a **clear, reliable and consistent legal environment** in which to make effective and efficient use of enforcement tools, and of official controls in particular. They also need appropriate resources to ensure continuity and consistency in their work, on the basis of needs linked to enforcement objectives.

Current EU legislation on official controls: official controls are governed by Regulation (EC) No 882 /2004. A series of shortcomings have been identified which call for the following improvements to be made:

- the simplification of the overall legal framework, which currently suffers from the remaining **fragmentation, overlaps and gaps**, and therefore **differences in interpretation and implementation at national level**;
- more consistent use of the **'risk-based controls'** principle;

- more systematic and consistent use of administrative cooperation tools and of computerised information systems;
- the repeal of unnecessary administrative requirements.

As regards the **financing of official controls** and the need to ensure steady and consistent funding of the work of the competent authorities, the evidence also points to current uncertainties about the **long-term sustainability** of official controls.

There is also evidence that the **current rules are failing to ensure a fair and consistent approach** across sectors: only some sectors are charged, and fees are not calculated in a uniform and transparent manner across Member States, or in a manner that rewards operators' compliance.

The Regulation on Official Controls: this proposal to amend the general framework for official controls laid down in Regulation (EC) No 882/2004 incorporates the outcome of a number of evaluations which have dealt with the different aspects of that framework. A major novelty is the broadening of the scope of the rules on official controls, and in particular, their **extension to relevant controls on plant health, plant reproductive materials and animal by-products**. The current detailed set of rules applicable to official controls on **residues of veterinary medicines** will be repealed to allow this area to be regulated in a more **risk-based**, but still health-protective way, under the same legislative framework.

Impact on imports: this revision will have a significant impact on the legal framework governing official controls on products from non-EU countries. It provides a set of common rules for all control activities to be performed at EU borders on animals and goods from non-EU countries which require increased attention for health reasons.

More effective enforcement mechanisms: the toolkit offered to national enforcers is made simpler and more effective:

- each Member State will be asked to designate a **single authority** responsible for coordinating preparation and ensuring the coherence of a **multi-annual control plan** and to act as a contact point for the Commission and other Member States in relation to official controls;
- electronic handling and processing of the **Common Entry Health Document** (CHED) for all animals and goods, subject to controls at the border, will be introduced;
- while the requirement for all official laboratories to be accredited against ISO standard 17025 is reaffirmed, **transitional measures and temporary or permanent derogations** are provided for, as appropriate.

Financing of official controls: the proposal builds on the current system of mandatory fees (at present only charged to certain operators and/or for certain controls). It strengthens the principle according to which **competent authorities should be able to charge businesses in order to recover the costs they incur in carrying out their official control duties** along the agri-food chain and in certain related areas (e.g. veterinary and phytosanitary controls, controls on plant reproductive material).