

Food safety: feed and food law, animal health and animal welfare rules, official controls

2003/0030(COD) - 29/04/2004 - Final act

PURPOSE : to adopt new Community legislation on the controls of official feed and food with a view to streamlining and reinforcing the existing control system. LEGISLATIVE ACT : Regulation 882/2004/EC of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules. CONTENT : the Council adopted this Regulation on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules. This Regulation completes the first package of the food and feed hygiene review of Community legislation. It lays down general rules for the performance of official controls to verify compliance with rules aiming, particular, at preventing, eliminating or reducing to acceptable levels risks to humans and animals and guaranteeing fair practices in feed and food trade and protecting consumer interests, including feed and food labelling and other forms of consumer information. The Regulation establishes official controls at all stage, underlines the responsibility and training of competent staff in performing official controls, sets the same procedures for controls on food and feed from third countries, and establishes the financing of the official controls by minimum rates of fees and charges collected by the Member States. More specifically, it lays down general rules for the performance of official controls to verify compliance with rules aiming, in particular, at: - preventing, eliminating or reducing to acceptable levels risks to humans and animals, either directly or through the environment; - guaranteeing fair practices in feed and food trade and protecting consumer interests, including feed and food labelling and other forms of consumer information. As regards the general obligations with regard to the organisation of official controls, Member States shall ensure that official controls are carried out regularly, on a risk basis and with appropriate frequency, so as to achieve the objectives of this Regulation taking account of: - identified risks associated with animals, feed or food, feed or food businesses, the use of feed or food or any process, material, substance, activity or operation that may influence feed or food safety, animal health or animal welfare; - feed or food business operators' past record as regards compliance with feed or food law or with animal health and animal welfare rules; - the reliability of any own checks that have already been carried out; and - any information that might indicate non-compliance. Official controls shall: - be carried out without prior warning, except in cases such as audits where prior notification of the feed or food business operator is necessary. Official controls may also be carried out on an ad hoc basis; - be carried out at any of the stages of production, processing and distribution of feed or food and of animals and animal products. They shall include controls on feed and food businesses, on the use of feed and food, on the storage of feed and food, on any process, material, substance, activity or operation including transport applied to feed or food and on live animals, required to achieve the objectives of this Regulation; - be applied, with the same care, to exports outside the Community, to the placing on the market within the Community and to introductions from third countries. Member States, on the other hand, shall take all necessary measures to ensure that products intended for dispatch to another Member State are controlled with the same care as those intended to be placed on the market in their own territory. The competent authority of the Member State of destination may check compliance of feed and food with feed and food law by means of non-discriminatory checks. To the extent strictly necessary for the organisation of the official controls, Member States may ask operators who have goods delivered to them from another Member State to report the arrival of such goods. If, during a check carried out at the place of destination or during storage or transport, a Member State establishes non-compliance, it shall take the appropriate measures, which may include re-dispatch to the Member State of origin. Competent authorities shall carry out internal audits or may have external audits carried out, and shall take appropriate measures in the light of their results, to ensure that they are achieving the objectives of this Regulation. These audits shall be subject to independent scrutiny and shall be carried out in a transparent manner. On the issue of the staff performing official controls, this Regulation states that the competent authority shall ensure that all of its staff performing official controls: - receive, for their area of

competence, appropriate training enabling them to undertake their duties competently and to carry out official controls in a consistent manner. Other provisions are set out in this Regulation such as : training of control staff; support for developing countries; The Commission shall, not later than 20 May 2007, submit a report to the European Parliament and the Council reviewing the experience gained from the application of this Regulation. **ENTRY INTO FORCE** : 20/05/2004. This Regulation shall apply from 1 January 2006. However, Articles 27 (fees or charges) and 28 (Expenses arising from additional official controls) shall apply from 1 January 2007.