

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) - 19/12/2016 - Council position

The Council adopted its position at first reading with a view to the adoption of a Regulation of the European Parliament and of the Council on 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.

The general objective of the proposed Regulation is to simplify and streamline the existing legal framework of Regulation (EC) No 882/2004, encompassing almost all sectors of the agri-food chain in a unique set of rules applicable to official controls.

The Regulation also aims to improve the efficiency of official controls performed by the Member States along the agri-food chain so as to allow for quick responses in crisis situations, while minimising the burden for operators; to that end, it requests that such controls be performed on all operators, on a risk basis and with appropriate frequency.

Scope: this Regulation shall apply to the official controls performed for the verification of compliance with the rules, whether established at Union level or by the Member States, to apply Union legislation, in the areas of:

- food and food safety;
- deliberate release into the environment of Genetically Modified Organisms (GMOs) for the purpose of food and feed production;
- feed and feed safety;
- animal health requirements;
- prevention and minimisation of risks to human and animal health arising from animal by-products and derived products;
- welfare requirements for animals;
- protective measures against pests of plants;
- requirements for the placing on the market and use of plant protection products and the sustainable use of pesticides, with the exception of pesticides application equipment;
- organic production and labelling of organic products;
- use and labelling of protected designations of origin, protected geographical indications and traditional specialities guaranteed.

The Council clarified that although this Regulation should not apply to the verification of compliance with [Regulation \(EU\) No 1308/2013](#) (Common organisation of the market in agricultural products), it should apply when **fraudulent or deceptive practices** in respect to marketing standards are identified during checks performed pursuant to Article 89 of Regulation (EU) No 1306/2013.

Financing of official controls: Member States should allocate appropriate financial resources to official controls, it proposed expanding the current obligation of collecting fees from only some business operators to all operators in the areas covered by the Regulation.

The Council agreed that Member States willing to charge fees at the level of the costs incurred and not at a fixed level would have to follow harmonised rules on cost coverage and calculation methods. The Council also agreed that Member States should be obliged to enhance the transparency of the calculation, collection and setting of fees or charges, and of the consultation with relevant stakeholders.

Role of the official veterinarian: in order to enable the efficient organisation of the official controls, Member States should have the discretion to **identify the most appropriate staff** to perform such controls provided that a high level of protection of human health, animal health and animal welfare is ensured throughout the agri-food chain and that international standards and obligations are met.

Member States are required to refer to official veterinarians in certain cases where their specific skills are necessary to ensure a sound outcome of the official controls (i.e. for live animals, meat and some other products of animal origin).

Member States should also use official veterinarians including for official controls on poultry and lagomorphs, or other specifically designated persons in cases where this is not required.

Reporting of infringements: the Council position contains provisions obliging Member States to have in place mechanisms to enable the reporting of actual or potential infringements of this Regulation, the follow-up of such a reporting and the protection of the persons reporting against retaliation, discrimination or unfair treatment.

Delegated and implementing powers: the proposed act will constitute a framework Regulation which will empower the Commission to determine a significant amount of its details by delegated and/or implementing acts.

For the provisions concerning specific additional rules for official controls in relation to specific areas - e. g. the production of meat for human consumption, animal welfare, plant protection products or plant health, the Council introduced many essential elements in the basic act and allowed for empowerments for the Commission as appropriate.

Lastly, transitional periods have been introduced to ensure that the existing provisions to be replaced by the above-mentioned acts will continue to apply until the latter have been adopted by the Commission. Such adoption should take place as soon as possible and at the latest 3 years after the date of application of the Regulation.