

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

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The European Parliament adopted a compromise on a regulation on official controls on food and feed, by 287 votes in favour, 194 against and 23 abstentions. By adopting a number of amendments in a report by Marit PAULSEN (ELDR, S), Parliament clarified the scope of the regulation, introduced transparency to the inspections and incorporated animal welfare and health issues into the regulation. The compromise was reached after long political negotiations with the Council. It ensures that the regulation enters into force as soon as possible. Parliament clarified the scope of the official controls: they must prevent, eliminate or reduce to acceptable levels risks to humans and animals. They must also guarantee fair practices in trade and protect consumer interests, including labelling and other forms of consumer information. The Member States must ensure that official controls are carried out regularly and that they identify risks associated with animals, feed or food. The controls must take into account food safety and animal health and welfare. Official controls will be carried out without prior warning, except in cases such as audits. Official controls may also be carried out on an ad hoc basis. A controversial issue was the question on criminal sanctions. Parliament passed an amendment stating that Member States shall lay down the rules on sanctions applicable to infringements of feed and food law and protection of animal health and welfare. The sanctions must be effective, proportionate and dissuasive. The Regulation provides for administrative enforcement measures for member states to address particular problems of non-compliance as well as enforcement measures at EU level. Where the commission has proof that a national control system is inadequate, it is permitted to take interim measures to ensure the protection of human health, animal health and welfare and the environment. These measures would be taken in cooperation with Member States within the Standing Committee, or in serious cases, on the Commission's initiative. The measures include suspending the right to place food and feed in the internal market. Another difficult issue was the question of transparency and confidentiality of the feed and food controls. The original proposal only mentions the need to safeguard confidentiality. Parliament instead adopted an amendment, which puts emphasis on transparency of the controls. Relevant information held by the food and feed authorities should be made available to the public as soon as possible. Confidentiality however is not overruled, as the authority also has to ensure that it does not disclose information, which by its nature is covered by professional secrecy. Parliament also had to decide whether the level of control fees should be dealt within Member States or whether an EU-wide fee should be introduced. Costs currently vary greatly from one country to another - particularly when the comparison is made between current Member States and the ten new countries due to join the Union on May 1. Parliament avoided standardising the costs of inspections across the EU, for fear that this would drive businesses - in particular slaughterhouses - out of the EU altogether. Instead Parliament adopted an amendment that allows the Member States to collect fees to cover the costs occasioned by official controls. The fees shall not be higher than the costs and they may be fixed at flat rates on the basis of the costs borne by the competent authorities over a given period of time. The fees may also be fixed, where applicable, at the minimum amounts fixed in the annexes of the regulation. The regulation also covers issues such as the delegation of control to specific control bodies, imports from third countries, community laboratories, liaison bodies with other Member States and multi-annual control plans. Finally, Parliament adopted an amendment on the entry into force of the regulation. The new rules on feed and food controls will apply from January 2006 instead of 2005 as proposed by the Commission.