

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

2003/0030(COD) - 08/07/2009 - Follow-up document

Regulation (EC) No 882/2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and welfare rules (Official Controls Regulation or OCR) requires the Commission to submit a report to the European Parliament and Council, in particular to review the experience gained from the application of the Regulation.

This report considers the following issues:

- re-evaluating the scope, in relation to animal health and animal welfare;
- ensuring that other sectors contribute to the financing of official controls by extending the list of activities referred to in Annex IV, section A and in Annex V, section A, and taking into account, in particular, the impact of the Community feed and food hygiene legislation after its adoption;
- setting updated minimum rates for fees, taking into account, in particular, risk factors.

The report notes that **experience gained so far does not call for a review of the scope of the Regulation** in relation to animal health and welfare. However, ongoing discussions in view of the modernisation and simplification of two significant sectors might help clarify the relationship between the general framework established by the Regulation and existing sectoral legislation. This is particularly the case as regards the ongoing review activities carried out as a follow up to the [Animal Health Strategy](#) (2007-2013) and those activities that will result from the forthcoming review of the existing Plant Health acquis (Plant Health Strategy). In addition, consideration should be given to the need to ensure that existing sectoral Community provisions applicable to control activities in specific fields (on residues of veterinary medicines and of pesticides, for instance) are consistent with the principles and requirements of the Regulation.

This report also gives an account of the **main actions and initiatives developed in implementing the Regulation**, looking at the experience gained since 1 January 2006. Member States are progressively gaining hands-on experience in the preparation and implementation of their Multi-annual control plans (MANCPs), which are also being used by the Commission Food and Veterinary Office (FVO) in the framework of its regular General Audit missions. National Annual Reports are also an important feature of the new framework for official controls established by the OCR, although the experience with such reports is too limited to allow an in-depth analysis to be carried out at this stage or conclusion to be drawn so far.

Moreover, the OCR Regulation requires that special attention be given to the issue of **fees collected for the financing of official controls** (inspection fees). This report gives account of the current state of play of discussions and reflections on this rather complex issue, on the basis of the results of a recent study carried out for the Commission by an external evaluator.

The study in question provides the Commission with a valuable insight of the current functioning of the fees system, identifies some shortcomings in the current legislative framework applicable to inspection fees and in its implementation by Member States and discusses the possible need to review some of the features of that framework. According to the study, a number of possible options for change may be considered, to enable Member States to “ensure that adequate financial resources are available to provide the necessary staff and other resources for official controls”. The study suggests **possible future scenarios**

, ranging from full harmonisation of the features of the fees' system to increased flexibility for Member States in the implementation of the system, whilst ensuring transparency and clarity of the functioning of the system across Member States.

Lastly, further analyses on the issues raised by the study are needed, including a **public discussion** with stakeholders on the results of the evaluation carried out, and an impact assessment of available options for change. The Commission intends to launch such an impact assessment in the course of 2009.