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Committee on the Environment, Public Health and Food Safety

2013/0140(COD)

15.11.2013

*****I**

DRAFT REPORT

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, plant reproductive material, plant protection products and amending Regulations (EC) No 999/2001, 1829/2003, 1831/2003, 1/2005, 396/2005, 834/2007, 1099/2009, 1069/2009, 1107/2009, Regulations (EU) No 1151/2012, [...] /2013 [Office of Publications, please insert number of Regulation laying down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material], and Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC, 2008/120/EC and 2009/128/EC (Official Controls Regulation)(COM(2013)0265 – C7-123/2013 – 2013/0140(COD))
Committee on the Environment, Public Health and Food Safety

Rapporteur: Mario Pirillo

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in bold italics. Deletions are indicated using either the ▬ symbol or strikeout. Replacements are indicated by highlighting the new text in bold italics and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for 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, plant reproductive material, plant protection products and amending Regulations (EC) No 999/2001, 1829/2003, 1831/2003, 1/2005, 396/2005, 834/2007, 1099/2009, 1069/2009, 1107/2009, Regulations (EU) No 1151/2012, [...] /2013 and Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC, 2008/120/EC and 2009/128/EC (Official Controls Regulation)

COM(2013)0265 - C7-0123/2013) - 2013/0140(COD)

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2013)0265),
 - having regard to Article 294(2) and Articles 43(2), 114 and 168(4)(b) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0123/2013),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the reasoned opinion submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the Luxembourg National Assembly, asserting that the draft legislative act does not comply with the principle of subsidiarity,
 - having regard to the opinion of the European Economic and Social Committee,
 - having regard to the opinion of the Committee of the Regions,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Environment, Public Health and Food Safety and the opinion of the Committee on Agriculture and Rural Development (A7-0000/2013),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

Proposal for a regulation

Recital 18

Text proposed by the Commission

(18) For the verification of compliance with the rules on the common organisation of the markets of agricultural products (arable crops, wine, olive oil, fruit and vegetables, hops, milk and milk products, beef and veal, sheepmeat and goatmeat and honey), a well-established and specific control system is already in place. This Regulation should therefore not apply to the verification of compliance with the provisions of Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation).

Amendment

(18) For the verification of compliance with the rules on the common organisation of the markets of agricultural products (arable crops, wine, olive oil, fruit and vegetables, hops, milk and milk products, beef and veal, sheepmeat and goatmeat and honey), a well-established and specific control system is already in place. This Regulation should therefore not apply to the verification of compliance with the provisions of Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation), ***with the exception of Part II, Title II, Chapter I of that Regulation.***

Or. it

Justification

Regulation (EC) No 1234/2007 (Single CMO Regulation) makes provision for official controls in the agri-food sector that are to be harmonised with those of the proposed Official Controls Regulation.

Amendment 2

Proposal for a regulation

Recital 60

Text proposed by the Commission

(60) Official controls and other official activities should be based on analytical, testing and diagnostic methods that meet state-of-the-art scientific standards and offer sound, reliable and comparable results across the Union. The methods used by official laboratories as well as the

Amendment

(60) Official controls and other official activities should be based on analytical, testing and diagnostic methods that meet state-of-the-art scientific standards and offer sound, reliable and comparable results across the Union. The methods used by official laboratories as well as the

quality and uniformity of analytical, testing and diagnostic data generated by them should therefore be improved continuously. For that purpose, the Commission should be able to designate, and rely on the expert assistance of European Union reference laboratories in all those areas of the food chain where there is the need for precise and reliable analytical, testing and diagnostic results. The European Union reference laboratories should in particular ensure that national reference laboratories and official laboratories are provided with up-to-date information on available methods, organise or participate actively in inter-laboratory comparative tests and offer training courses for national reference laboratories or official laboratories.

quality and uniformity of analytical, testing and diagnostic data generated by them should therefore be improved continuously. For that purpose, the Commission should be able to designate, and rely on the expert assistance of European Union reference laboratories in all those areas of the food chain where there is the need for precise and reliable analytical, testing and diagnostic results. The European Union reference laboratories should in particular ensure that national reference laboratories and official laboratories are provided with up-to-date information on available methods, organise or participate actively in inter-laboratory comparative tests and offer training courses for national reference laboratories or official laboratories. ***In relation to these activities, the technical and scientific expertise of the Commission and its research centres may be made available to the official laboratories of the European Union. European Union official laboratories will be chosen through a public selection procedure.***

Or. it

Justification

The Commission has research centres, such as the JRC, which can play a supporting role to the official laboratories of the European Union as regards the identification of analytical methods and diagnostic tests for official controls.

Amendment 3

Proposal for a regulation Recital 60 a (new)

Text proposed by the Commission

Amendment

(60a) Article 32(1) of Regulation (EC) No 1829/2003 and Article 21(2) of Regulation (EC) No 1831/2003 confer respectively on the European Union reference laboratory for genetically modified food and feed and on the European Union reference

laboratory for feed additives, specific tasks as part of the authorisation procedure for genetically modified food or feed, or feed additives, relating, in particular, to the testing, evaluation and validation of the method of detection or analysis proposed by applicants. Experience shows that knowledge and expertise in the testing, evaluation and validation of methods in the context of the authorisation procedure is crucial in order to provide a high-level, state-of-the-art contribution to the efficiency of official controls. Laboratories designated as such under Article 32(1) of Regulation (EC) No 1829/2003 and Article 21(1) of Regulation (EC) No 1831/2003 should therefore act as official laboratories of the European Union for the purposes of this Regulation.

Or. it

Justification

Regulation (EC) No 1829/2003 on genetically modified food and feed and Regulation (EC) No 1831/2003 on additives for use in animal nutrition provide for Community reference laboratories for the sectors governed by those regulations. These laboratories are not abolished by the proposal for a regulation on official controls.

Amendment 4

Proposal for a regulation

Article 1 – paragraph 4 – point a

Text proposed by the Commission

(a) the rules laid down in Regulation (EC) No 1234/2007;

Amendment

(a) the rules laid down in Regulation (EC) No 1234/2007 *in areas other than those under Part II, Title II, Chapter I of that Regulation;*

Or. it

Justification

Regulation (EC) No 1234/2007 (Single CMO Regulation) makes provision for official controls in the agri-food sector that are to be harmonised with those of the proposed Official Controls Regulation.

Amendment 5

Proposal for a regulation

Article 2 – paragraph 1 – point 15

Text proposed by the Commission

15. 'plant protection products' means plant protection products as referred to in Article 2(1) of Regulation (EC) No 1107/2009;

Amendment

15. 'plant protection products' means plant protection products as referred to in Article 2(1) of Regulation (EC) No 1107/2009; ***for the purposes of this Regulation, 'plant protection products' also refers to the active substances referred to in Article 2(2) of Regulation (EC) No 1107/2009 and other substances or preparations referred to in Article 2(3) of that Regulation;***

Or. it

Justification

When the proposal for a regulation refers to 'plant protection products' it refers also to the active substances referred to in Article 2(2) of Regulation (EC) No 1107/2009 and other substances or preparations referred to in Article 2(3) of that regulation.

Amendment 6

Proposal for a regulation

Article 2 – paragraph 1 – subparagraph 32 – introductory part

Text proposed by the Commission

32. 'official veterinarian' means a veterinarian appointed by the competent authorities and appropriately qualified to perform ***the*** official controls and other official activities in accordance with:

Amendment

32. 'official veterinarian' means a veterinarian appointed by the competent authorities and appropriately qualified to perform official controls and other official activities in accordance with:

Or. it

Justification

These are official controls in general, not specific controls.

Amendment 7

Proposal for a regulation

Article 2 – paragraph 1 – point 38

Text proposed by the Commission

38. 'delegated body' means a third party, to which the competent authorities have delegated specific ***official control*** tasks;

Amendment

38. 'delegated body' means a third party, to which the competent authorities have delegated specific tasks ***relating to official controls and other official activities***;

Or. it

Justification

In addition to official controls, delegated bodies also carry out 'other official activities' as defined in Article 2(2) of the proposal for a regulation.

Amendment 8

Proposal for a regulation

Article 2 – paragraph 1 – point 39

Text proposed by the Commission

39. 'control authority for organic ***products***' means a public administrative organisation of a Member State to which the competent authorities have conferred, in whole or in part, their competences in relation to the ***application*** of Regulation (EC) No 834/2007, including, where appropriate, the corresponding authority of a third country or operating in a third country;

Amendment

39. 'control authority for organic ***production***' means a public administrative organisation of a Member State to which the competent authorities have conferred, in whole or in part, their competences ***for inspections and certification in the organic production sector***, in relation to the ***provisions*** of Regulation (EC) No 834/2007, including, where appropriate, the corresponding authority of a third country or operating in a third country;

Or. it

Justification

The official controls have to ascertain whether organic production procedures have been complied with, in accordance with the provisions of Regulation (EC) No 834/2007.

Amendment 9

Proposal for a regulation

Article 3 – paragraph 3

Text proposed by the Commission

3. Competent authorities responsible for the verification of compliance with the rules referred to in point (j) of Article 1(2) may confer specific official control tasks to one or more control authorities for organic **products**. In such cases, they shall attribute a code number to each of them.

Amendment

3. Competent authorities responsible for the verification of compliance with the rules referred to in point (j) of Article 1(2) may confer specific official control tasks to one or more control authorities for organic **production**. In such cases, they shall attribute a code number to each of them.

Or. it

Justification

The official controls have to ascertain whether organic production procedures have been complied with, in accordance with the provisions of Regulation (EC) No 834/2007.

Amendment 10

Proposal for a regulation

Article 7 – paragraph 3 – point a

Text proposed by the Commission

(a) the operator concerned is given the opportunity to **comment on** the information that the competent authority intends to publish or make otherwise available to the public, prior to the publication or release;

Amendment

(a) the operator concerned is given the opportunity to **rebut** the information that the competent authority intends to publish or make otherwise available to the public, prior to the publication or release;

Or. it

Amendment 11

Proposal for a regulation

Article 7 – paragraph 3 – point b

Text proposed by the Commission

(b) the information which is published or made otherwise available to the public takes into account the **comments** expressed by the operator concerned or is published or released together with such comments.

Amendment

(b) the information which is published or made otherwise available to the public takes into account the **rebuttals** expressed by the operator concerned or is published or released together with such comments.

Or. it

Justification

The comments made by the operator are in response to those which the competent authority intends to publish.

Amendment 12

Proposal for a regulation

Article 8 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The Commission shall be empowered to adopt delegated acts in accordance with Article 139 in order to establish a uniform minimum frequency for carrying out the controls referred to in paragraphs 1 and 2. Where necessary, such minimum frequency, based on risk, shall be established differently for each product, process or activity that is subject to official controls pursuant to this Regulation.

Or. it

Justification

It is vital to establish, at EU level, a minimum frequency of official controls for each product, process or activity that is subject to control. Minimum frequency should thus become a

general principle, which will help to increase EU consumer confidence.

Amendment 13

Proposal for a regulation Article 8 – paragraph 7

Text proposed by the Commission

7. To the extent strictly necessary for the organisation of the official controls, Member States of destination *may* require operators who have animals or goods delivered to them from another Member State to report the arrival of such animals or goods.

Amendment

7. To the extent strictly necessary for the organisation of the official controls, Member States of destination *shall* require operators who have animals or goods delivered to them from another Member State to report the arrival of such animals or goods.

Or. it

Justification

To increase the effectiveness of the controls, Member States shall require that any animals or goods from other Member States be reported.

Amendment 14

Proposal for a regulation Article 9 – paragraph 1 – point c

Text proposed by the Commission

(c) on operators and the activities and operations under their control, on their premises and processes, on the storage, transport, and the use of goods and the keeping of animals.

Amendment

(c) on operators and the activities and operations under their control, on their premises, *crops* and processes, on the storage, transport, and the use of goods and the keeping of animals.

Or. it

Justification

The controls concern crops, too.

Amendment 15

Proposal for a regulation Article 10 – paragraph 1

Text proposed by the Commission

1. Competent authorities shall perform official controls with a high level of transparency and make available to the public relevant information concerning the organisation and the performance of official controls.

Amendment

1. Competent authorities shall perform official controls with a high level of transparency and make available to the public relevant information concerning the organisation and the performance of official controls, ***including any important information having an impact on public health.***

Or. it

Justification

Information concerning public health also needs to be made available.

Amendment 16

Proposal for a regulation Article 10 – paragraph 1 – point a

Text proposed by the Commission

(a) the type, number and outcome of official controls;

Amendment

(a) the type, number and ***final*** outcome of official controls;

Or. it

Justification

The outcome should be published at the end of the control procedure.

Amendment 17

Proposal for a regulation Article 10 – paragraph 3 – point b a (new)

Text proposed by the Commission

Amendment

(ba) competent authorities which make use of the option under the first

paragraph shall ensure that the information published on the rating of operators is constantly updated and, in particular, that the information in question takes account of the latest official control outcomes available.

Or. it

Justification

It is important for information published on operators' ratings to be updated with the results of the most recent controls.

Amendment 18

Proposal for a regulation

Article 14 – paragraph 1 – introductory part

Text proposed by the Commission

1. To the extent that this is necessary for the performance of official controls or of other official activities, operators shall, where required by the competent authorities, give staff of the competent authorities access to:

Amendment

1. To the extent that this is necessary for the performance of official controls or of other official activities, operators shall, where required by the competent authorities, give staff of the competent authorities ***and staff of the delegated bodies, where risk control has been delegated in accordance with the provisions of Article 25,*** access to:

Or. it

Justification

In accordance with Article 25 of the proposal for a regulation, official controls may be delegated; access to operators' information should therefore also be extended to the staff of delegated bodies.

Amendment 19

Proposal for a regulation

Article 14 – paragraph 1 – point d

Text proposed by the Commission

(d) their documents and any other **relevant** information.

Amendment

(d) their documents and any other information **that is relevant for the purpose of performing such controls or activities.**

Or. it

Amendment 20

Proposal for a regulation

Article 14 – paragraph 2

Text proposed by the Commission

2. During official controls and other official activities, operators shall assist the staff of the competent authorities in the accomplishment of their tasks.

Amendment

2. During official controls and other official activities, operators shall assist the staff of the competent authorities **and the delegated bodies, pursuant to Article 25,** in the accomplishment of their tasks.

Or. it

Justification

In accordance with Article 25 of the proposal for a regulation, official controls may be delegated; any assistance provided by operators to the staff of the competent authorities should therefore concern also the staff of the delegated bodies.

Amendment 21

Proposal for a regulation

Article 14 – paragraph 4 – point a

Text proposed by the Commission

(a) establishing the modalities for access by the competent authorities to the computerised information management

Amendment

(a) establishing the modalities for access by the competent authorities **and the delegated bodies, pursuant to Article 25,** to the computerised information

systems referred to in paragraph 1(b);

management systems referred to in paragraph 1(b);

Or. it

Justification

In accordance with Article 25 of the proposal for a regulation, official controls may be delegated; arrangements for access to computerised information systems should therefore concern also the staff of the delegated bodies.

Amendment 22

Proposal for a regulation

Article 15 – paragraph 1 – introductory part

Text proposed by the Commission

1. Official controls on the production of meat shall include:

Amendment

1. *In addition to the general rules on controls provided for in Article 8, official controls on the production of meat shall include:*

Or. it

Justification

It needs to be clarified that, in addition to the sectoral rules, the general rules under Article 8 of the proposal for a regulation also apply.

Amendment 23

Proposal for a regulation

Article 15 – paragraph 2 – point e

Text proposed by the Commission

(e) criteria to determine when, on the basis of a risk analysis, the official veterinarian is not required to be present in slaughterhouses and game handling establishments during the official controls referred to in paragraph 1.

Amendment

deleted

Or. it

Justification

To increase the safety of controls in the meat sector, a veterinarian should always be present, especially in the case of game and free-range animals, where there is a higher risk of infection from wild animals.

Amendment 24

Proposal for a regulation

Article 15 – paragraph 4 – point b

Text proposed by the Commission

(b) the need to enable the continued use of traditional methods at any of the stages of production, processing or distribution of food;

Amendment

(b) the need to enable the continued use of traditional methods at any of the stages of production, ***ageing***, processing or distribution of food;

Or. it

Amendment 25

Proposal for a regulation

Article 18 – paragraph 1 – introductory part

Text proposed by the Commission

1. Official controls to verify compliance with the rules laying down welfare requirements for animals in case of their transport shall include:

Amendment

1. ***In addition to the general rules on official controls provided for in Article 8,*** official controls to verify compliance with the rules laying down welfare requirements for animals in case of their transport shall include:

Or. it

Justification

It needs to be clarified that in addition to the sectoral rules, the general rules under Article 8 of the proposal for a regulation also apply.

Amendment 26

Proposal for a regulation

Article 18 – paragraph 3 – point a

Text proposed by the Commission

(a) the specific responsibilities and tasks of the competent authorities, in addition to those provided for in paragraph 1 and Articles 4, 8, 9, 10(1), 11, 12, 13, **34(1) and (2), and 36**;

Amendment

(a) the specific responsibilities and tasks of the competent authorities, in addition to those provided for in paragraph 1 and Articles 4, 8, 9, 10(1), 11, 12 **and** 13;

Or. it

Justification

The rules under Article 34 – second expert opinion – and Article 36 – designation of official laboratories – do not concern the responsibilities of the competent authorities.

Amendment 27

Proposal for a regulation

Article 20 – paragraph 1 – point b

Text proposed by the Commission

(b) uniform specific requirements for the performance of official controls having regard, in addition to the criteria referred to in Article 8(1), to the risks to the health, identity, quality and traceability of **certain** categories of plant reproductive material or of specific genera or species;

Amendment

(b) uniform specific requirements for the performance of official controls having regard, in addition to the criteria referred to in Article 8(1), to the risks to the health, identity, quality and traceability of **all** categories of plant reproductive material or of specific genera or species;

Or. it

Justification

Delegated acts will lay down uniform specific requirements to determine the minimum requirements for controls which must concern all categories of plant reproductive material.

Amendment 28

Proposal for a regulation

Article 26 – paragraph 1 – letter b – point iv a (new)

Text proposed by the Commission

Amendment

(iva) has sufficient powers to perform the official controls delegated to it;

Or. it

Justification

A delegated body acts in the name of and on behalf of the competent authority. In performing its duties, the delegated body must exercise the powers conferred upon it by the delegating authority.

Amendment 29

Proposal for a regulation

Article 33 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

2. In the absence of the Union rules referred to in paragraph 1, official laboratories shall use state-of-the-art methods for their specific analytical, testing and diagnostic needs, taking into account:

2. In the absence of the Union rules referred to in paragraph 1, ***in the context of official controls***, official laboratories shall use state-of-the-art methods for their specific analytical, testing and diagnostic needs, taking into account, ***in the following order***:

Or. it

Amendment 30

Proposal for a regulation

Article 33 – paragraph 3

Text proposed by the Commission

Amendment

3. In the context of screening, targeted screening and of other official activities, any of the methods referred to in paragraph 2 may be used in the absence of Union

3. ***By way of derogation from paragraph 2***, in the context of screening, targeted screening and of other official activities, any of the methods referred to in paragraph

rules referred to in paragraph 1.

2 may be used in the absence of Union rules referred to in paragraph 1. ***The same rule shall apply to the other official activities.***

Or. it

Amendment 31

Proposal for a regulation Article 33 – paragraph 6

Text proposed by the Commission

6. Samples shall be taken, handled and labelled in such a way as to guarantee their legal, scientific and technical validity.

Amendment

6. Samples shall be taken, handled and labelled in such a way as to guarantee their legal, scientific and technical validity. ***The size of the sample taken must be such as to enable a second expert opinion to be given, where necessary, should an operator so request under Article 34.***

Or. it

Justification

The second opinion should concern the same sample taken, which is why the sample should be large enough to enable tests or diagnosis to be carried out on it.

Amendment 32

Proposal for a regulation Article 34 – paragraph 1 – point b – point i

Text proposed by the Commission

(i) that a sufficient number of ***other*** samples be taken for a second expert opinion; or,

Amendment

(i) that a sufficient number of samples be taken for a second expert opinion; or

Or. it

Justification

This amendment is consistent with the amendment to Article 33(6).

Amendment 33

Proposal for a regulation Article 46 – point a

Text proposed by the Commission

Amendment

(a) goods sent as commercial or trade samples or as display items for exhibitions, which are not intended to be placed on the market; **deleted**

Or. it

Justification

Even if these are goods or animals not intended for human consumption, they can nevertheless produce viruses and bacteria. Given that the aim of the proposed regulation is to prevent, as far as possible, the spread of diseases or viruses that could cause risks to human and animal health, controls should also cover this type of goods and animals.

Amendment 34

Proposal for a regulation Article 46 – point b

Text proposed by the Commission

Amendment

(b) animals and goods intended for scientific purposes; **deleted**

Or. it

Justification

Even if these are goods or animals not intended for human consumption, they can nevertheless produce viruses and bacteria. Given that the aim of the proposed regulation is to prevent, as far as possible, the spread of diseases or viruses that could cause risks to human and animal health, controls should also cover this type of goods and animals.

Amendment 35

Proposal for a regulation

Article 47 – paragraph 4 – subparagraph 2

Text proposed by the Commission

Where such checks are performed on animals they shall be carried out by an official veterinarian **or under his supervision**.

Amendment

Where such checks are performed on animals they shall be carried out by an official veterinarian, **who may be assisted by specially trained support staff whilst retaining responsibility for the checks carried out**.

Or. it

Justification

In carrying out his work, a veterinarian may be assisted by support staff, but responsibility for the checks remains with him.

Amendment 36

Proposal for a regulation

Article 51 – paragraph 1 – letter c – point iii a (new)

Text proposed by the Commission

Amendment

(*iiia*) pet animals which meet the conditions laid down in Article 5 of Implementing Regulation (EU) No 576/2013 of the European Parliament and of the Council^{50a}.

^{50a} **Regulation (EU) No 576/2013 of the European Parliament and of the Council on the non-commercial movement of pet animals and repealing Regulation (EC) No 998/2003.**

Or. it

Amendment 37

Proposal for a regulation

Article 53 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Decisions on consignments of animals shall be taken by an official veterinarian *or under his supervision*.

Amendment

Decisions on consignments of animals shall be taken by an official veterinarian, ***who may be assisted by specially trained support staff whilst retaining responsibility for the checks carried out.***

Or. it

Justification

In carrying out his work, a veterinarian may be assisted by support staff, but responsibility for the checks remains with him.

Amendment 38

Proposal for a regulation

Article 77 – paragraph 1 – introductory part

Text proposed by the Commission

1. For the purpose of ensuring that ***competent authorities are provided with adequate resources for the performance of official controls***, the competent authorities shall collect fees to ***recover*** the costs they incur in relation to:

Amendment

1. For the purpose of ensuring that ***official controls are actually performed***, the competent authorities shall collect fees to ***cover*** the costs they incur in relation to:

Or. it

Justification

The fees paid by operators should help cover the costs of financing official controls.

Amendment 39

Proposal for a regulation

Article 77 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

The official controls provided for in point (a) of this paragraph shall not include those in the primary production sector as defined in Article 3(17) of Regulation (EC) 178/2002, including the local processing of agricultural products.

Or. it

Justification

The primary sector is part of a special system of controls that are part of direct payment conditionality under the common agricultural policy (CAP) and the recent provisions of CAP reform relating to financing, management and monitoring. To ensure consistency, the primary sector should be excluded from payment of the mandatory fees.

Amendment 40

Proposal for a regulation

Article 78 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) the cost of training of staff referred to in point (a), with the exclusion of the training necessary to obtain the qualification necessary to be employed by the competent authorities; ***deleted***

Or. it

Justification

The cost of training staff to perform the necessary controls must be borne by the competent authority.

Amendment 41

Proposal for a regulation Article 80

Text proposed by the Commission

Where fees are established in accordance with point (a) of Article 79(1), the rate of the fee to be applied to each operator shall be determined taking into account the operators' record of compliance with the rules referred to in Article 1(2) as ascertained through official controls, so that fees applied to consistently compliant operators are lower than those applied to other operators.

Amendment

(Does not affect the English version).

Or. it

Justification

(Does not affect the English version)

Amendment 42

Proposal for a regulation Article 82 – paragraph 2

Text proposed by the Commission

2. Enterprises ***employing fewer than 10 persons and*** whose annual turnover or annual balance sheet total does not exceed EUR ***2 million*** shall be exempted from the payment of the fees provided for in Article 77.

Amendment

2. Enterprises whose annual turnover or annual balance sheet total does not exceed EUR ***200 000*** shall be exempted from the payment of the fees provided for in Article 77.

Or. it

Justification

On average, such companies make up 90% of those operating in the EU agri-food sector. The exemption as proposed will inevitably involve a huge reduction of the resources necessary to be able to retain official controls. Such exemption should therefore be restricted to small companies that are unable to bear the costs of the controls due to their production capacity.

The turnover threshold proposed is at present only indicative, pending verification with a view to proposing a threshold that is able to safeguard small-scale operators.

Amendment 43

Proposal for a regulation

Article 91 – paragraph 3 – point g a (new)

Text proposed by the Commission

Amendment

(ga) where relevant, cooperate with European Union research centres and Commission services to develop high standards in methods of laboratory analysis, testing and diagnosis.

Or. it

Justification

The Commission has research centres, such as the JRC, which can play a supporting role to the official laboratories of the European Union as regards the identification of analytical methods and diagnostic tests for official controls.

Amendment 44

Proposal for a regulation

Article 91 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. By way of derogation from paragraphs 1 and 2 of this Article, the reference laboratories referred to in Article 32(1) of Regulation (EC) No 1829/2003 and Article 21(1) of Regulation (EC) No 1831/2003 shall be European Union reference laboratories having the tasks and responsibilities set out in Article 92 of this Regulation, as regards, respectively:

(a) GMOs and genetically modified food and feed;

(b) feed additives.

Justification

Regulation (EC) No 1829/2003 on genetically modified food and feed and Regulation (EC) No 1831/2003 on additives for use in animal nutrition provide for Community reference laboratories for the sectors governed by those regulations. These laboratories are not abolished by the proposal for a regulation on official controls.

Amendment 45**Proposal for a regulation****Article 92 – paragraph 2 a (new)**

Text proposed by the Commission

Amendment

2a. Paragraphs 1 and 2 of this Article shall apply without prejudice to Article 32, first paragraph, of Regulation (EC) No 1829/2003 and the rules adopted under the fourth and fifth paragraphs of Article 32 of that Regulation, in addition to Article 21, first paragraph, of Regulation (EC) No 1831/2003 and the rules adopted under the third and fourth paragraphs of Article 21 of that Regulation.

Justification

Regulation (EC) No 1829/2003 on genetically modified food and feed and Regulation (EC) No 1831/2003 on additives for use in animal nutrition provide for Community reference laboratories for the sectors governed by those regulations. These laboratories are not abolished by the proposal for a regulation on official controls.

Amendment 46**Proposal for a regulation****Article 96 – point c**

Text proposed by the Commission

Amendment

(c) developing or coordinating the development of methods for the assessment

(c) helping to develop and coordinate methods for the assessment of the level of

of the level of welfare of animals and *of*
methods for the improvement of the
welfare of animals;

welfare of animals and methods for the
improvement of the welfare of animals;

Or. it

Amendment 47

Proposal for a regulation Article 96 a (new)

Text proposed by the Commission

Amendment

Article 96a

***Designation of European Union reference
centres for the authenticity and integrity
of the agri-food chain***

***1. The Commission may, by means of
implementing acts, designate European
Union reference centres that shall support
the activities of the Commission and of
the Member States to prevent, detect and
combat any intentional violations of the
rules referred to in Article 1(2).***

***2. The designations provided for in
paragraph 1(a) shall follow a public
selection process and be reviewed
regularly.***

***3. European Union reference centres for
the authenticity and integrity of the
agri-food chain shall:***

***(a) possess a high level of scientific and
technical expertise in the sectors governed
by the rules referred to in Article 1(2) and
in applied forensic science in those
sectors, thus having the ability to carry
out or coordinate research at the highest
levels on the authenticity and integrity of
goods and to develop, apply and validate
the methods to be used for the detection of
intentional violations of the rules referred
to in Article 1(2);***

(b) have suitably qualified staff with adequate training in the areas referred to in point (a) and the necessary support staff;

(c) possess or have access to the infrastructure, the equipment and the products necessary to carry out the tasks assigned to them;

(d) ensure that their staff have good knowledge of international standards and practices in the subjects referred to in point (a) and that the latest research developments at national, Union and international level in those areas are taken into account in their work.

Or. it

Justification

In order to combat fraud in the agri-food sector, it is deemed necessary to designate European Union reference centres for the authenticity and integrity of the agri-food chain.

Amendment 48

Proposal for a regulation Article 96 b (new)

Text proposed by the Commission

Amendment

Article 96b

Responsibilities and tasks of European Union reference centres for the authenticity and integrity of the agri-food chain

1. The European Union reference centres designated under Article 96a(1) shall be responsible, in accordance with the annual or multiannual work programmes approved by the Commission, for the following activities:

(a) providing specific knowledge of the authenticity and integrity of goods and methods for detecting intentional violations of the rules referred to in Article 1(1), in relation to the forensic science applied to the areas governed by these rules;

(b) providing specific analyses designed to identify the segments of the agri-food chain that are potentially subject to intentional violations, for economic reasons, of the rules referred to in Article 1(2) and helping to develop specific official control techniques and protocols;

(c) where necessary, performing the tasks referred to in Article 92(2), points (a) to (g);

(d) where necessary, establishing and storing collections or databases of authenticated reference materials, to be used to verify the authenticity or integrity of goods;

(e) disseminating research findings and technical innovations in the fields within the scope of their missions.

Or. it

Justification

As with the other European Union reference centres, this article sets out the responsibilities and tasks of the European Union reference centre for the authenticity and integrity of the agri-food chain.

Amendment 49

Proposal for a regulation Article 98 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. This Article shall apply without prejudice to Article 32, second paragraph, of Regulation (EC) No 1829/2003 and the rules adopted under the fourth and fifth

paragraphs of Article 32 of that Regulation, in addition to Annex II to Regulation (EC) No 1831/2003 and the rules adopted under the third and fourth paragraphs of Article 21 of that Regulation.

Or. it

Amendment 50

Proposal for a regulation Article 99 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

This Article shall apply without prejudice to Article 32, second paragraph, of Regulation (EC) No 1829/2003 and the rules adopted under the fourth and fifth paragraphs of Article 32 of that Regulation, in addition to Annex II to Regulation (EC) No 1831/2003 and the rules adopted under the third and fourth paragraphs of Article 21 of that Regulation.

Or. it

Amendment 51

Proposal for a regulation Article 139 – paragraph 2

Text proposed by the Commission

Amendment

2. The delegation of power referred to in Articles 4(3), 15(2), 16, 17, 18(3), 19, 20, 21, 22, 23(1), 24(1), 25(3), **26(2)**, 40, 43(4), 45(3), 46, 49, 51(1), 52(1) and (2), 56(2), 60(3), 62(2), 69(3), 75(1) and (2), 97(2), 98(6), 99(2), 101(3), 106(3), 110, 111, 114(4) and 125(1), the third subparagraph of Article 132(1), Articles

2. The delegation of power referred to in Articles 4(3), 15(2), 16, 17, 18(3), 19, 20, 21, 22, 23(1), 24(1), 25(3), 40, 43(4), 45(3), 46, 49, 51(1), 52(1) and (2), 56(2), 60(3), 62(2), 69(3), 75(1) and (2), 97(2), 98(6), 99(2), 101(3), 106(3), 110, 111, 114(4) and 125(1), the third subparagraph of Article 132(1), Articles 133, 138(1) and

133, 138(1) and (2), 143(2), 144(3), 151(3), 153(3) and 159(3) shall be conferred for an indeterminate period of time from the date of entry into force of this Regulation.

(2), 143(2), 144(3), 151(3), 153(3) and 159(3) shall be conferred for an indeterminate period of time from the date of entry into force of this Regulation.

Or. it

Justification

This is a technical correction, as Article 26 of the proposal for a regulation does not have a paragraph 2.

Amendment 52

Proposal for a regulation

Article 142 – paragraph 1 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

The designation of each of the European Union reference laboratories referred to in Annex VII to Regulation (EC) No 882/2004 shall continue to apply until the designation, in each of the areas concerned, of a European Union reference laboratory pursuant to Article 91(2) of this Regulation.

Or. it

Amendment 53

Proposal for a regulation

Article 148

Regulation (EC) 1829/2003

Article 32

Text proposed by the Commission

Amendment

Regulation (EC) No 1829/2003 is amended as follows:

deleted

(a) Article 32 is amended as follows:

(i) the first and second subparagraphs are deleted

(ii) the third subparagraph is replaced by the following:

'Applicants for authorisation of genetically modified food and feed shall contribute to supporting the costs of the tasks of the European Union reference laboratory and the national reference laboratories designated in accordance with Articles 91(1) and 98(1) of Regulation (EU) No XXX/XXXX [Office of Publications, please insert number of this Regulation] for that area.'

(iii) in the fifth subparagraph the words 'and the annex' shall be deleted.

(iv) in the sixth subparagraph the words 'and adapting the Annex' shall be deleted.

(b) the Annex is deleted.

Or. it

Justification

The laboratory for genetically modified food and feed provided for in Article 32(1) of Regulation (EC) No 1829/2003 will continue to exist.

Amendment 54

Proposal for a regulation

Article 149

Regulation (EC) 1831/2003

Text proposed by the Commission

Amendment

Regulation (EC) No 1831/2003 is amended as follows: *deleted*

(a) in Article 7, paragraph 3(f) is replaced by the following

'a written statement that three samples of the feed additive have been sent by the applicant directly to the European Union

reference laboratory referred to in Article 21.'

(b) Article 21 is amended as follows:

(i) the first, third and fourth paragraphs are deleted;

(ii) paragraph 2 is replaced by the following:

'Applicants for the authorisation of additives shall contribute to supporting the cost of the tasks of the European Union reference laboratory and the national reference laboratories designated in accordance with Articles 91(1) and 98(1) of Regulation (EU) No XXX/XXXX [Office of Publications, please insert number of this Regulation] for that area.'

(c) Annex II is deleted.

Or. it

Justification

The Community reference laboratory provided for in Article 21(1) of Regulation (EC) No 1831/2003 on additives for use in animal nutrition will continue to exist.

Amendment 55

Proposal for a regulation

Article 161 – paragraph 1 – point a – point ii

Regulation (EU) n. [...] /2013

Article 29 – paragraph 1 – letter c a (new)

Text proposed by the Commission

Amendment

(ca) the European Union reference centres for the authenticity and integrity of the agri-food chain.

Or. it

Amendment 56

Proposal for a regulation

Article 161 – paragraph 1 – point b

Regulation (EU) n. [...] /2013

Article 29 a – paragraph 2

Text proposed by the Commission

2. **Grants** may be awarded to a single national reference laboratory in each Member State for each European Union reference laboratory for plant health, up to three years after the designation of that European Union reference laboratory.'

Amendment

2. **The grants referred to in paragraph 1** may be awarded to a single national reference laboratory in each Member State for each European Union reference laboratory for plant health, up to three years after the designation of that European Union reference laboratory.'

Or. it

Amendment 57

Proposal for a regulation

Article 162 – paragraph 3 – point b

Text proposed by the Commission

(b) Article 33(1), (2) (3) and (4) shall apply from [Office of Publications, please insert date of entry into force of this Regulation + 5 years].

Amendment

(b) **Article 26(1)(b)(iv)**, Article 33(1), (2) (3) and (4) shall apply from [Office of Publications, please insert date of entry into force of this Regulation + 5 years].

Or. it

Justification

Article 26(1)(b)(iv) falls within the scope of this Regulation.

Amendment 58

Proposal for a regulation

Article 162 – paragraph 4

Text proposed by the Commission

4. Articles 15(1), 18(1), 45 to 62 and 76 to 84, point (b) of Article 150, **point** (b)(i) of

Amendment

4. Articles 15(1), 18(1), 45 to 62 and 76 to 84, point (b) of Article 150, **points** (b) **and**

Article 152, point (b)(i) of Article 154, point (b)(i) of Article 155 and point (b) of Article 156 shall apply from [Office of Publications, please insert date of entry into force this Regulation + 3 years].

(c)(i) of Article 152, point (b)(i) of Article 154, point (b)(i) of Article 155 and point (b) of Article 156 shall apply from [Office of Publications, please insert date of entry into force this Regulation + 3 years].

Or. it

Justification

Points (c) and (i) fall within the scope of the proposal for a regulation.

EXPLANATORY STATEMENT

Food safety has always played a key role in Community action. Ensuring a high level of human, animal and plant health along the food chain is one of the objectives of the Union Treaty, which has led, over the years, to a body of legislation consisting of 70 legislative measures enabling the European agri-food industry to achieve internationally recognised safety and quality levels.

In the EU, the agri-food industry is the second largest sector, with total food chain production amounting to some EUR 750 billion per year, and employing over 48 million people, from primary production through to retail and catering.

As far as the food chain is concerned, official controls are a vital way of ensuring a high level of protection of human, animal and plant health and of properly implementing complex legislation throughout the food chain and giving consumers confidence. For the sectors of feed and food and animal health and welfare, controls are currently governed by Regulation (EC) No 882/2004, while those of other sectors, such as, for example, controls on residues of veterinary medicinal products in live animals, or plant health controls, are governed by specific sets of rules.

In order to establish a harmonised general framework, the proposal for a regulation encompasses, in a single regulatory text, the official controls relating to all sectors of the agri-food chain (currently split among 16 or so regulations or directives). The proposal provides an in-depth review of existing provisions, aiming to eliminate any regulatory overlapping and taking a proportional and flexible approach so as to be able to react more promptly to emergency situations, by, for example, establishing swifter procedures for the accreditation of official laboratories.

The legal framework developed by the EU up to now has, on the whole, proven to be effective in preventing and countering risks. EU products remain among the safest in the world, precisely because of the controls they have to undergo. However, the modern globalised market and, in particular, the increasingly long and complex agri-food chain, is exposing the EU to new risks and calls for constant improvement of controls along the entire chain. The following are among the main shortcomings identified in the current rules, which call for further improvement:

- the need to simplify the general legal framework, which suffers from fragmentation and overlapping, which lead to differences in interpretation and implementation at national level;
- the need for a more consistent use of the ‘risk-based controls’ principle;
- the need to resolve current uncertainties about the long-term sustainability of official controls by ensuring that they are funded steadily and consistently;
- the need to ensure that a consistent approach is taken to all sectors. Moreover, as far as fees are concerned, the way in which they are calculated needs to be made public and transparent;

- the need for more systematic and consistent use of administrative cooperation tools and computerised information management systems;

In the light of the above, your rapporteur welcomes the Commission proposal to establish a single, harmonised framework for official control procedures, thereby pursuing the objectives of the Communication on Smart Regulation in the European Union. Your rapporteur is of the view that the proposal for a regulation achieves the aim of making the entire official control system more consistent, by seeking, where possible, to leave no room for different interpretations once the regulation comes into force in the Member States.

He welcomes the integrated approach taken by the proposal for a regulation and agrees with the risk-based controls approach.

In addition, he believes that in border controls and in the meat sector, we cannot and must not lower our guard; that is why responsibility for such controls must be entrusted to highly qualified staff who are able to identify the emergence of possible risks and threats to human health.

Minimum frequency of controls

Harmonisation of the frequency of controls will provide consumers with safety guarantees. That is why your rapporteur proposes a minimum frequency, based on risk, that differs according to each product, process or activity, in order to avoid major differences between one country and another – such as those found in the dairy sector, where some countries carry out controls every ten years while others have them every year. Not only does this have an impact on the final price, but it can also affect the safety of the product placed on the market. A climate of trust therefore needs to be built for consumers, through a uniform system of controls carried out with the same frequency in each EU Member State.

Food fraud

The complex body of legislation has not, however, protected European consumers from the possibility of food fraud, as can be seen by the recent horsemeat scandal. In order, therefore, to limit the number of new cases as much as possible, your rapporteur proposes establishing European reference centres that will have the specific task of developing and validating methods to be used in the event of intentional infringements of the rules laid down in Article 1(2) of the proposal for a regulation.

Exemption of micro-enterprises and fees

While welcoming and approving the principle of exempting micro-enterprises from the payment of mandatory fees, your rapporteur believes that the criteria identified are too broad and would lead to an average of 80-90% of enterprises working in the agri-food chain being exempted from payment. The consequences of this provision could lead to a reduction in the number of controls and/or an increase in fees for the enterprises whose turnover or balance sheets are higher than EUR 2 million. That is why your rapporteur proposes lowering the threshold to EUR 200 000, which at the moment is only indicative and merits further reflection, which your rapporteur intends to carry out with a view to identifying an exclusion threshold that is able to protect those micro-enterprises that are genuinely unable to bear the costs of controls, due to their production capacity.

In your rapporteur's view, the costs of training control staff should be excluded from the calculation of fees, as those costs should be entirely borne by the competent authority in order

to guarantee the quality of the service provided. Moreover, the fees collected by the competent authority should fully cover the costs of the controls.

Given that there was no opportunity to hold an exchange of views before drawing up the report, your rapporteur considered it preferable to focus, for the time being, solely on the main aspects, reserving the right to take action and supplement the proposed text at a later date.