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Committee on Agriculture and Rural Development

2013/0140(COD)

21.1.2014

OPINION

of the Committee on Agriculture and Rural Development

for the Committee on the Environment, Public Health and Food Safety

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))

Rapporteur (*): Britta Reimers

(*) Associated committee – Rule 50 of the Rules of Procedure

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SHORT JUSTIFICATION

It is essentially to be welcomed that the Commission has submitted a proposal whose purpose is to create a harmonised legal framework for the organisation and implementation of official controls throughout the food chain and to ensure uniform application throughout the EU of the provisions in force and smooth functioning of the internal market in food products.

As regards the scope of this Regulation, the Commission proposes that it should include further fields of control outside the food chain, such as plant protection products, plant health and plant reproductive material, including forestry material. This seems questionable, as neither the aim of the requisite controls nor the assessment criteria are comparable with those which apply to the food chain. The provisions concerning controls in the field of plant protection products, plant health and plant reproduction ought therefore to remain in the appropriate sector of EU law. The same applies to the proposals concerning placing the material on the market.

The Commission proposal also extends the scope of the control regulation to ‘other official activities performed by the competent authorities in accordance with this Regulation or with the rules referred to in Article 1(2)’. Under the principle of proportionality, the content and form of Union action should not exceed what is necessary to achieve the objectives of the Treaties. However, for the purpose of uniform EU legislation on official controls it is not necessary also to introduce binding EU-wide provisions concerning other official activities of the competent authority besides official controls.

The proposal for a regulation also contains clauses in all the fields of regulation that it covers empowering the Commission to adopt delegated acts, particularly in Articles 15-24 of the legislative proposal. The fields of regulation proposed by the Commission include the competence and duties of authorities, uniform requirements concerning the implementation of controls, the measures to be taken and particularly the minimum frequency of official controls. All provisions which have a substantial impact on the supervisory work of the Member States must be incorporated directly in the Regulation.

To the extent that the provisions of European regulations at least recognise powers of Member States to regulate matters of detail, there is a lack of corresponding room for manoeuvre for national legislatures. Rather, the very numerous provisions empowering the Commission to adopt delegated acts show that the proposal for a regulation far exceeds the powers conferred by Article 114 TFEU. Article 114 TFEU establishes the legal basis for the European legislature to create the internal market in food products and to regulate the way in which it is to operate. Article 114(3) TFEU stipulates that a high level of protection is required in this context. The proposal for a regulation under consideration, on the other hand, creates a legal basis for extensive binding provisions, to be adopted solely by the European legislature, concerning the administrative procedure even in fields which go beyond official controls. That is disproportionate.

Moreover, the issue of how Member States are to stop infringements of legislation goes far beyond the arrangements for ensuring the reliability of official controls in the EU or enforcing the necessary EU standards in the internal market.

With regard to the financing of official controls, it must be ensured that, in particular, the provisions concerning the setting of fees are clear and unambiguous. Only in this way can uniform implementation be attained in the Member States. In providing for the levying of fees, the red tape involved in collecting them must be kept to a minimum.

Controls connected with services of general interest are in the general public interest and are therefore a public duty, whose performance should also be financed accordingly. Only additional controls should be subject to fees. This will create an incentive to avoid additional controls and hence costs. The determination of the costs must not distort competition.

It is to be welcomed that the principle of transparency with regard to the use made of the fees collected is applied. However, this must not add significantly to red tape. It should also be set on record that the budgetary powers of the Parliaments in the Member States must not be restricted.

Ultimately, the Commission proposal will not create clearer structures. The aim should be to make the system of official controls more efficient and clearer.

AMENDMENTS

The Committee on Agriculture and Rural Development calls on the Committee on the Environment, Public Health and Food Safety, as the committee responsible, to incorporate the following amendments into its report:

Amendment 1

Proposal for a regulation

Recital 29 a (new)

Text proposed by the Commission

Amendment

(29a) Official controls should be performed by staff free from any conflict of interests, and in particular not engaged, directly or through a spouse, in an economic activity subject to the official controls laid down;

Amendment 2

Proposal for a regulation Recital 54

Text proposed by the Commission

(54) Member States should be required to ensure that adequate financial resources are always available in order to appropriately staff and equip the competent authorities performing official controls and other official activities. Although operators are primarily responsible for ensuring that their activities are carried out in compliance with Union agri-food chain rules, the system of own controls that they put in place for that purpose needs to be complemented by a dedicated system of official controls maintained by each Member State to ensure effective market surveillance along the agri-food chain. Such a system is, by its very nature, complex and resource demanding and should be provided with a stable influx of resources for official controls, at a level appropriate to the enforcement needs at any given moment. ***To reduce the dependency of the official control system from public finances, competent authorities should collect fees to cover the costs they incur when performing official controls on certain operators and for certain activities for which Union agri-food chain legislation requires registration or approval in accordance with Union rules on the hygiene of food and feed or rules governing plant health and plant reproductive material. Fees should also be collected from operators to compensate the costs of official controls performed in view of issuing an official certificate or attestation, and costs of official controls performed by the competent authorities at border control posts.***

Amendment

(54) Member States should be required to ensure that adequate financial resources are always available in order to appropriately staff and equip the competent authorities performing official controls and other official activities. Although operators are primarily responsible for ensuring that their activities are carried out in compliance with Union agri-food chain rules, the system of own controls that they put in place for that purpose needs to be complemented by a dedicated system of official controls maintained by each Member State to ensure effective market surveillance along the agri-food chain. Such a system is, by its very nature, complex and resource demanding and should be provided with a stable influx of resources for official controls, at a level appropriate to the enforcement needs at any given moment.

Amendment 3

Proposal for a regulation Recital 61

Text proposed by the Commission

(61) For the performance of official controls and other official activities on the production and marketing of plant reproductive material, and in the field of animal welfare, the competent authorities should have access to updated, reliable and consistent technical data, to research findings, new techniques and expertise necessary for the correct application of Union legislation applicable in those areas. For that purpose the Commission should be able to designate, and rely on the expert assistance of, European Union reference centres for plant reproductive material and for animal welfare.

Amendment

(61) For the performance of official controls and other official activities on the production and marketing of plant reproductive material, and in the field of animal welfare, the competent authorities should have access to updated, reliable and consistent technical data, to research findings, new techniques and expertise necessary for the correct application of Union legislation applicable in those areas. For that purpose the Commission should be able to designate, and rely on the expert assistance of, European Union reference centres for plant reproductive material and for animal welfare. ***The structure of the reference centres for animal welfare should be based on experience gained from the EUWelNet (Coordinated European Animal Welfare Network) pilot project.***

Amendment 4

Proposal for a regulation Article 1 – paragraph 2 – point a

Text proposed by the Commission

(a) governing food and food safety, at any stage of production, the processing and distribution of food, including rules aimed at guaranteeing fair practices in trade and protecting consumer interests and information, and the manufacture and use of materials and articles intended to come into contact with food;

Amendment

(a) governing food and food safety, at any stage of production, the processing and distribution of food, including rules aimed at guaranteeing ***commercial quality and*** fair practices in trade and protecting consumer interests and information, and the manufacture and use of materials and articles intended to come into contact with food;

Justification

It should be explicitly stated that commercial quality control falls within the scope of the regulation so that food fraud can be prosecuted.

Amendment 5

Proposal for a regulation

Article 1 – paragraph 2 – point d

Text proposed by the Commission

(d) laying down animal health requirements;

Amendment

(d) laying down animal health requirements, ***in particular those directly linked to operators' compliance with animal health requirements;***

Justification

This amendment is intended to ensure that the proposal applies only to operators in the area of animal health, and not to the competent authorities when carrying out epidemiological surveillance and eradication programmes.

Amendment 6

Proposal for a regulation

Article 1 – paragraph 2 – point k a (new)

Text proposed by the Commission

Amendment

(ka) laying down requirements on monitoring certain substances and residues thereof in live animals and animal products.

Justification

It is clear from the explanatory memorandum and recitals that monitoring certain substances and residues thereof in live animals and animal products, which was previously governed by other legislation, is now included in the Commission proposal. However, this is not specifically stated in Article 1. A reference should be inserted to remove any doubt as to the scope of the regulation.

Amendment 7

Proposal for a regulation

Article 1 – paragraph 4 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the rules laid down in Directive 2001/82/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for veterinary use.

Justification

This makes it clear that this Regulation does not apply to the field of veterinary medicine production.

Amendment 8

Proposal for a regulation

Article 2 – point 5 – point a

Text proposed by the Commission

Amendment

a) the central authorities of a Member State responsible for the organisation of official controls and of other official activities, in accordance with this Regulation and the rules referred to in Article 1(2);

a) the central authorities of a Member State responsible for the organisation ***or implementation*** of official controls and of other official activities, in accordance with this Regulation and the rules referred to in Article 1(2);

Justification

The original wording of this definition would leave out the authorities responsible for implementing official controls.

Amendment 9

Proposal for a regulation

Article 2 – point 5 – point b

Text proposed by the Commission

Amendment

b) any other authority ***to*** which that

b) any other ***local or regional*** authority ***on***

responsibility has been conferred;

which that **competence** has been conferred;

Justification

It is more appropriate to keep the term used in Regulation 882/04, to distinguish it from the concept of public authority used in Article 3.

Amendment 10

Proposal for a regulation
Article 2 – point 6

Text proposed by the Commission

6. 'animals' means animals as defined in point (1) of Article 4(1) of Regulation (EU) No XXX/XXXX [Office of Publications, please insert number of the Regulation on animal health];

Amendment

6. 'animals' means animals as defined in point (1) of Article 4(1) of Regulation (EU) No XXX/XXXX [Office of Publications, please insert number of the Regulation on animal health], **with the exception of pet animals**;

Justification

As different rules apply to controls on pets, the term 'pet animals' should be distinguished from 'animals'.

Amendment 11

Proposal for a regulation
Article 2 – point 22 – point b

Text proposed by the Commission

b) where provided for by the rules referred to in Article 1(2) – any other person, who is authorised to sign official certificates by the competent authorities;

Amendment

b) where provided for by the rules referred to in Article 1(2) – any other person, who is authorised to **issue and** sign official certificates by the competent authorities;

Amendment 12

Proposal for a regulation
Article 2 – point 25

Text proposed by the Commission

25. 'official attestation' means any label, mark or other form of attestation issued by ***the operators under the supervision, through dedicated official controls, of*** the competent authorities, or by the competent authorities themselves, and providing assurance concerning compliance with one or more requirements laid down in the rules referred to in Article 1(2);

Amendment

25. 'official attestation' means any label, mark or other form of attestation issued by the competent authorities, or by the competent authorities themselves, and providing assurance concerning compliance with one or more requirements laid down in the rules referred to in Article 1(2);

Justification

Official attestation by operators is not desirable. The official certification or attestation procedure should remain a matter solely for the official authority.

Amendment 13

**Proposal for a regulation
Article 2 – point 28 – point a**

Text proposed by the Commission

(a) animals or goods;

Amendment

(a) animals, ***plants, plant products, other objects*** or goods;

Amendment 14

**Proposal for a regulation
Article 2 – point 28 – point b**

Text proposed by the Commission

(b) activities under the control of operators falling within the scope of the rules referred to in Article 1(2) and equipment, means of transport, substances ***and materials*** used to perform those activities;

Amendment

(b) activities under the control of operators falling within the scope of the rules referred to in Article 1(2) and equipment, means of transport, substances, ***materials and plant protection products*** used to perform those activities;

Amendment 15

Proposal for a regulation

Article 2 – point 28 – point c

Text proposed by the Commission

(c) places where operators perform their activities;

Amendment

(c) places where operators perform their activities **and, when necessary, adjacent areas**;

Amendment 16

Proposal for a regulation

Article 2 – point 28 – point c a (new)

Text proposed by the Commission

Amendment

(ca) the documentation relating to the examinations referred to in points a), b) and c)

Justification

It should be verified that the documentation complies with existing rules.

Amendment 17

Proposal for a regulation

Article 2 – point 29

Text proposed by the Commission

Amendment

29. 'border control post' means a **place**, and the facilities belonging to it, designated by a Member State to perform the official controls provided for in Article 45(1);

29. 'border control post' means an **inspection centre**, and the facilities belonging to it, designated by a Member State to perform the official controls provided for in Article 45(1);

Justification

‘Centre’ draws attention more to the function than to the location. The word ‘centre’ accords with the definitions used in Germany’s regulation on the internal market and prevention of animal diseases and in Austria’s import regulation adopted by the veterinary authority.

Amendment 18

Proposal for a regulation Article 2 – point 30

Text proposed by the Commission

30. 'audit' means a systematic **and** independent ***examination to determine whether activities and the related results of such activities comply with planned arrangements and whether these arrangements are applied effectively and are suitable to achieve objectives;***

Amendment

30. 'audit' means a systematic, independent ***and documented process for obtaining audit evidence and evaluating it objectively to determine the extent to which audit criteria are fulfilled;***

Justification

This is no doubt a translation error which could cause problems of interpretation. It is therefore proposed that the wording of DIN EN ISO 19011 be used.

Amendment 19

Proposal for a regulation Article 2 – point 40

Text proposed by the Commission

40. 'control verification procedures' means the arrangements put in place and actions performed by the competent authorities for the purpose of ensuring that official controls and other official activities are ***consistent and*** effective;

Amendment

40. 'control verification procedures' means the arrangements put in place and actions performed by the competent authorities for the purpose of ensuring that official controls and other official activities are effective;

Justification

According to the Commission proposal, the competent authorities are now expected to introduce not only a procedure for ensuring that official controls are effective but also one to monitor 'consistency'. Quite apart from the fact that it is not clear what this term means, it is likely to make further demands on resources, while the value of doing so is not apparent.

Amendment 20

Proposal for a regulation Article 2 – point 46

Text proposed by the Commission

46) 'documentary check' means the examination of the official certificates, **official attestations** and other document(s) including documents of a commercial nature, which are required to accompany the consignment as provided for by the rules referred to in Article 1(2), Article 54(1), or by implementing acts adopted in accordance with Articles 75(3), 125(4), 127(1) and 128(1);

Amendment

46) 'documentary check' means the examination of the official certificates and other document(s) including documents of a commercial nature, which are required to accompany the consignment as provided for by the rules referred to in Article 1(2), Article 54(1), or by implementing acts adopted in accordance with Articles 75(3), 125(4), 127(1) and 128(1);

Justification

Checks on attestations do not form part of documentary checks but are carried out as part of identity checks.

Amendment 21

Proposal for a regulation
Article 2 – point 47

Text proposed by the Commission

47) 'identity check' means a visual inspection to verify that the content and the labelling of a consignment, including the marks on animals, seals and means of transport, correspond with the information provided in the official certificates, official attestations and other documents accompanying it;

Amendment

47) 'identity check' means a visual inspection to verify that the content and the labelling of a consignment, including the marks on animals, **attestations**, seals and means of transport, correspond with the information provided in the official certificates, official attestations and other documents accompanying it;

Justification

Checks on attestations do not form part of documentary checks but are carried out as part of identity checks.

Amendment 22

Proposal for a regulation
Article 2 – point 56

Text proposed by the Commission

Amendment

**56. 'control plan' means a description *deleted*
established by the competent authorities
containing information on the structure
and organisation of the official control
system, and of its operation and the
detailed planning of official controls to be
performed in each of the areas referred to
in Article 1(2) over a period of time;**

Justification

The definition of 'control plan' seems too far-reaching if it is supposed to cover 'the detailed planning of official controls'. It will hardly be possible for the competent authorities to carry out the task of describing controls in detail as part of a control plan.

Amendment 23

Proposal for a regulation Article 2 – point 57 a (new)

Text proposed by the Commission

Amendment

**(57a)'commercial quality' means the set
of properties and characteristics of a food
product that result from the requirements
laid down in mandatory provisions
regarding the raw materials or ingredients
used in its production, the processes used
in its production, and the composition and
presentation of the end product.**

Justification

In keeping with the remarks concerning Article (1)(2)(a).

Amendment 24

Proposal for a regulation Article 3 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(ba) set up a single controls register by establishing a single computerised management system to ensure coordination between the bodies involved in the control and the management of the controls.

Amendment 25

Proposal for a regulation

Article 3 – paragraph 2 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

The register referred to in point (ba) shall include cross compliance controls pursuant to Regulation [xxx.2013] (CAP horizontal regulation).

Amendment 26

Proposal for a regulation

Article 3 – paragraph 5

Text proposed by the Commission

Amendment

5. Member States may confer to the competent authorities referred to in paragraph 1 the responsibility to carry out controls for the verification of compliance with, or for the application of, rules, ***including those regulating specific risks which may arise from the presence of alien species in the Union, other than those referred to in Article 1(2).***

5. Member States may confer to the competent authorities referred to in paragraph 1 the responsibility to carry out controls for the verification of compliance with, or for the application of, rules.

Justification

Consistency with the proposed scope.

Amendment 27

Proposal for a regulation Article 3 – paragraph 6

Text proposed by the Commission

Amendment

6. The Commission may, by means of implementing acts, determine the means by which the information referred to in paragraph 4 is to be made available to the public. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 141 (2).

deleted

Justification

This provision is superfluous. It can be left to the Member States to decide how to make the information available to the public.

Amendment 28

Proposal for a regulation Article 4 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) have arrangements in place to ensure that staff performing official controls and other official activities are free from any conflict of interest;

(c) have arrangements in place to ensure that staff performing official controls and other official activities are free from any conflict of interest, ***in particular that neither they themselves nor their spouses are engaged in an economic activity subject to the official controls laid down;***

Amendment 29

Proposal for a regulation Article 4 – paragraph 2 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

In order to ensure the consistency in interpretation and execution of official

controls across Member States, the training referred to in point (c) shall include participating in visits to other Member States to observe the way in which official controls are performed;

Amendment 30

Proposal for a regulation Article 4 – paragraph 3

Text proposed by the Commission

Amendment

3. For the purpose of ensuring that the staff of the competent authorities referred to in point (e) of paragraph 1 and in paragraph 2 have the necessary qualifications, skills and knowledge, the Commission shall be empowered to adopt delegated acts in accordance with Article 139 concerning rules for the specific qualification and training requirements of such staff, having regard to the scientific and technical knowledge necessary to perform official controls and other official activities in each of the areas referred to in Article 1(2).

deleted

Justification

It does not seem necessary to empower the Commission to adopt delegated acts concerning qualification and training requirements.

Amendment 31

Proposal for a regulation Article 5 – paragraph 3

Text proposed by the Commission

Amendment

3. The Commission may, by means of implementing acts, lay down rules for the conduct of the audits provided for in paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in

deleted

Article 141 (2).

Justification

It is not necessary for the Commission to adopt rules for the conduct of audits by means of implementing acts. Firstly, the guidelines for audits (2006/677) issued by the Commission are sufficient. Secondly, Member States have for years had systems for conducting audits and for their independent review. No implementing acts are required, therefore.

Amendment 32

**Proposal for a regulation
Article 7 – title**

Text proposed by the Commission

Confidentiality obligations of the staff of
the competent authorities

Amendment

Confidentiality obligations of the staff ***at
the service*** of the competent authorities

Justification

The competent authorities may have their own or contract staff, and the wording 'at the service of' better reflects the various administrative situations that may apply.

Amendment 33

**Proposal for a regulation
Article 7 – paragraph 2 – point aa (new)**

Text proposed by the Commission

Amendment

***(aa) the protection of personal data of a
natural person;***

Justification

There should be a mechanism for operators to protect highly confidential information.

Amendment 34

**Proposal for a regulation
Article 7 – paragraph 2 – point a b (new)**

Text proposed by the Commission

Amendment

(ab) the protection of know-how of a natural or legal person;

(There should be a mechanism for operators to protect highly confidential information.)

Amendment 35

Proposal for a regulation

Article 7 – paragraph 3 – introductory part

Text proposed by the Commission

Amendment

3. Paragraphs 1 and 2 shall not prevent the competent authorities from publishing or making otherwise available to the public information about the outcome of official controls regarding individual operators, provided that the following conditions are met:

3. Paragraphs 1 and 2 shall not prevent the competent authorities from publishing or making otherwise available to the public information about the outcome of official controls regarding individual operators ***established on their territory***, provided that the following conditions are met:

Justification

The legislation in this area has not been harmonised and this power should be restricted to national territory.

Amendment 36

Proposal for a regulation

Article 8 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. Competent authorities shall perform official controls on ***all*** operators ***regularly, on a risk basis and*** with appropriate frequency, taking account of:

1. Competent authorities shall perform official controls on operators ***at suitable intervals, in line with the risks that may arise in relation to the area concerned,*** with appropriate frequency, ***and*** taking account of:

Justification

If a risk analysis is carried out in advance, there is no reason to perform controls on 'all' operators, which would require a huge budget.

Amendment 37

Proposal for a regulation

Article 8 – paragraph 1 – point a – point i

Text proposed by the Commission

Amendment

(i) animals and goods;

(i) animals, ***pests, plants, plant products, other objects*** and goods;

Amendment 38

Proposal for a regulation

Article 8 – paragraph 1 – point a – point iii

Text proposed by the Commission

Amendment

(iii) the location of the activities or operations of operators;

(iii) the location of the activities or operations of operators, ***including the place of origin***;

Amendment 39

Proposal for a regulation

Article 8 – paragraph 4 – point b

Text proposed by the Commission

Amendment

(b) the operator has requested such official controls.

deleted

Justification

This contradicts the Commission's position to date, according to which controls must be unannounced. As a result of this option, wealthier undertakings might apply for controls for which fees will be levied, thus gaining advantages over other undertakings, particularly as regards making the results of official controls transparent.

Amendment 40

Proposal for a regulation Article 8 – paragraph 5

Text proposed by the Commission

5. Official controls shall be performed as much as possible in a manner that minimises the burden on the operators.

Amendment

5. Official controls shall be performed as much as possible in a manner that minimises the burden on the operators.
Where various official controls are applied to operators, Member States shall ensure a coordinated approach with the aim of combining existing control measures. An independent appeal process should be available for operators who can reasonably claim, with evidence, to have suffered extensive and unnecessary burden.

Amendment 41

Proposal for a regulation Article 9 – point a

Text proposed by the Commission

(a) on animals and goods at all stages of production, processing and distribution;

Amendment

(a) on animals, ***plants, plant products, use of plant protection products*** and goods at all stages of production, processing, ***placing on the market*** and distribution;

Amendment 42

Proposal for a regulation Article 10 – paragraph 2

Text proposed by the Commission

Amendment

2. To ensure the uniform implementation of the rules provided for in paragraph 1 of this Article, the Commission shall, by means of implementing acts, lay down and update as necessary the format in which the information referred to in that paragraph shall be published. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 141 (2). *deleted*

Justification

No uniform EU format is needed in order to inform the public. What matters is the extent of the information made public, not its form.

Amendment 43

Proposal for a regulation

Article 10 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Information submitted to the Commission by the competent authorities as provided for in paragraph 1 of this Article shall be available for publication or otherwise accessible to the public.

Justification

Having all Member States' reports accessible in one place aids with transparency.

Amendment 44

Proposal for a regulation

Article 10 – paragraph 3 – introductory part

Text proposed by the Commission

Amendment

3. Competent authorities shall be entitled to 3. Competent authorities shall be entitled to

publish or make otherwise available to the public information about the rating of individual operators based on the outcome of official controls, provided that the following conditions are met:

publish or make otherwise available to the public information about the rating of individual operators ***established on their territory*** based on the outcome of official controls, provided that the following conditions are met:

Justification

This power should be limited to national operators.

Amendment 45

Proposal for a regulation

Article 11 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Those procedures shall cover the subject areas for control procedures set out in Chapter II of Annex II and contain ***detailed*** instructions for staff performing official controls.

Amendment

Those procedures shall cover the subject areas for control procedures set out in Chapter II of Annex II and contain instructions for staff performing official controls.

Justification

Staff carrying out controls should be allowed the requisite scope to make assessments based on specialist knowledge.

Amendment 46

Proposal for a regulation

Article 11 – paragraph 2

Text proposed by the Commission

2. Competent authorities shall have procedures in place to verify the ***consistency and*** effectiveness of official controls and other official activities that they perform.

Amendment

2. Competent authorities shall have procedures in place to verify the effectiveness of official controls and other official activities that they perform.

Justification

There are a series of possible ways of achieving ‘consistency’ in official controls (meaning that the same situations are controlled in the same way). However, it may be assumed that

more far-reaching checking procedures are implied here, which will involve the use of additional resources, while the benefits are not apparent.

Amendment 47

Proposal for a regulation

Article 11 – paragraph 3 – point a

Text proposed by the Commission

(a) take corrective actions in all cases where the procedures provided for in paragraph 2 identify shortcomings in the **consistency and** effectiveness of official controls and other official activities;

Amendment

(a) take corrective actions in all cases where the procedures provided for in paragraph 2 identify shortcomings in the effectiveness of official controls and other official activities;

Justification

It is not clear what is meant by the term ‘consistency’. However, this is likely to entail the use of additional resources, while the benefits are not apparent.

Amendment 48

Proposal for a regulation

Article 13 – paragraph 1

Text proposed by the Commission

1. Competent authorities **shall** perform official controls using control methods and techniques that shall, as appropriate, include screening, targeted screening, verification, inspections, audits, sampling, analysis, diagnosis and tests.

Amendment

1. Competent authorities **may** perform official controls using **appropriate** control methods and techniques that shall, as appropriate, include, **for example and not exclusively**, screening, targeted screening, verification, inspections, audits, sampling, analysis, diagnosis and tests.

Amendment 49

Proposal for a regulation

Article 13 – paragraph 2 – point b – point i

Text proposed by the Commission

(i) primary producers' installations and other businesses, including their surroundings, premises, offices, equipment, installations and machinery, transport and their animals and goods;

Amendment

(i) primary producers' installations and other businesses, including their surroundings, premises ***and other areas***, offices, equipment, installations and machinery, transport and their animals, ***plants, plant products, other objects, plant protection products*** and goods;

Amendment 50

Proposal for a regulation

Article 14 – paragraph 1 – point c

Text proposed by the Commission

(c) their animals and goods;

Amendment

(c) their animals, ***plants, plant products, other objects, plant protection products*** and goods;

Amendment 51

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 relevant information ***relating to the official control to be carried out***.

Amendment 52

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

Amendment

2. During official controls and other official activities, operators shall assist the

staff of the competent authorities in the accomplishment of their tasks.

staff of the competent authorities in the accomplishment of their **control** tasks.

Amendment 53

Proposal for a regulation Article 16 – point a

Text proposed by the Commission

(a) uniform specific requirements for the performance of official controls and uniform minimum frequency of such official controls, having regard, in addition to the criteria referred to in Article 8(1), to the specific **hazards and** risks related to non-authorised substances and to the non-authorised use of authorised substances;

Amendment

(a) uniform specific requirements for the performance of official controls and uniform minimum frequency of such official controls, having regard, in addition to the criteria referred to in Article 8(1), to the specific risks related to non-authorised substances and to the non-authorised use of authorised substances;

Amendment 54

Proposal for a regulation Article 17 – point b

Text proposed by the Commission

(b) uniform specific requirements for the performance of official controls, and uniform minimum frequency of such official controls, having regard, in addition to the criteria referred to in Article 8(1), to the need to address specific **hazards and** risks to animal health by means of official controls performed to verify compliance with disease prevention and control measures laid down in accordance with the rules referred to in point (d) of Article 1(2);

Amendment

(b) uniform specific requirements for the performance of official controls, and uniform minimum frequency of such official controls, having regard, in addition to the criteria referred to in Article 8(1), to the need to address specific risks to animal health by means of official controls performed to verify compliance with disease prevention and control measures laid down in accordance with the rules referred to in point (d) of Article 1(2);

Amendment 55

Proposal for a regulation Article 18 – paragraph 1 – point c – point i

Text proposed by the Commission

Amendment

(i) official controls on the fitness of the animals being transported and on the means of transport;

(i) official controls on the fitness of the animals being transported and on the means of transport ***to verify compliance with Chapter II and where applicable Chapter VI of Annex I to Regulation (EC) No 1/2005;***

Justification

To reflect the corresponding provision in Regulation (EC) No 1/2005, which is repealed by the proposed Regulation.

Amendment 56

Proposal for a regulation

Article 18 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Where in the view of the competent authority, following official controls under point (c) (i), animals are unfit for transport, they shall be unloaded, watered, fed and rested until fit to continue their journey.

Justification

Whilst the proposed Regulation requires that animals must be checked at exit points to verify that they are fit to continue their journey, it does not specify what action should be taken in respect of animals found to be unfit

Amendment 57

Proposal for a regulation

Article 19 – point b

Text proposed by the Commission

Amendment

(b) uniform specific requirements for the performance of official controls on the

(b) uniform specific requirements for the performance of official controls on the

introduction into and movement in the Union of particular plants, plant products and other objects subject to the rules referred to in point (g) of Article 1(2) and uniform minimum frequencies of such official controls having regard, in addition to the criteria referred to in Article 8(1), to the specific **hazards and** risks to plant health in relation to specific plants, plant products and other objects of a particular origin or provenance;

introduction into and movement in the Union of particular plants, plant products and other objects subject to the rules referred to in point (g) of Article 1(2) and uniform minimum frequencies of such official controls having regard, in addition to the criteria referred to in Article 8(1), to the specific risks to plant health in relation to specific plants, plant products and other objects of a particular origin or provenance;

Amendment 58

Proposal for a regulation

Article 22 – paragraph 2 – point c

Text proposed by the Commission

(c) uniform specific requirements for inspections on pesticide application equipment and uniform minimum frequency of such controls;

Amendment

(c) uniform specific requirements for inspections on pesticide application equipment ***used on a large scale and likely to affect human health*** and uniform minimum frequency of such controls;

Justification

The checking of all pesticide application equipment would create a huge administrative burden. Equipment used on a small scale and shown to have no adverse effects on human health should accordingly be exempt from such checks.

Amendment 59

Proposal for a regulation

Article 22 – paragraph 2 – point d

Text proposed by the Commission

(d) the cases where the competent authorities in relation to specific non-compliances are to take one or more of the measures referred to in Article 135(2) or additional measures to those provided for in that paragraph;

Amendment

deleted

Amendment 60

Proposal for a regulation

Article 24 – paragraph 1 – point b

Text proposed by the Commission

(b) uniform specific requirements for the performance of official controls and uniform minimum frequency of such official controls, having regard, in addition to the criteria referred to in Article 8(1), to the specific **hazards and** risks which exist in relation to each category of food and feed and the different processes it undergoes;

Amendment

(b) uniform specific requirements for the performance of official controls and uniform minimum frequency of such official controls, having regard, in addition to the criteria referred to in Article 8(1), to the specific risks which exist in relation to each category of food and feed and the different processes it undergoes;

Amendment 61

Proposal for a regulation

Article 25 – paragraph 2 – subparagraph 2

Text proposed by the Commission

The first subparagraph shall not apply to the measures to be taken in accordance with Article 135 or with the rules provided for in point (e) of Article 23(2) following official controls performed to verify compliance with the rules referred to in point (j) of Article 1(2).

Amendment

The first subparagraph shall not apply to the measures to be taken in accordance with Article 135 or with the rules provided for in point (e) of Article 23(2) **and point (e) of Article 23(3)** following official controls performed to verify compliance with the rules referred to in **points (j) and (k)** of Article 1(2).

Justification

In the second paragraph of this article, the delegation of specific official control tasks by the competent authorities is permitted in the field of organic farming for the measures to be taken in case of proven non-compliance. In this context, it is difficult to understand why this is not also permitted for PDOs, PGIs and TSGs, which use the same reference standard for delegation (EN ISO 17065). It is therefore requested that they be included.

Amendment 62

Proposal for a regulation Article 25 – paragraph 3

Text proposed by the Commission

Amendment

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 139 establishing specific official control tasks that may not be delegated in order to preserve the independence or the core functions of the competent authorities. **deleted**

Justification

Articles 15 to 24 empower the Commission to adopt delegated acts pursuant to Article 139. It is not desirable that rules on the implementation of controls should be instituted only by means of delegated acts. The rules adopted in this way will have a massive impact on the budgets of the Member States which is unpredictable and also incalculable.

Amendment 63

Proposal for a regulation Article 25 – paragraph 4

Text proposed by the Commission

Amendment

4. Where competent authorities delegate specific official control tasks for the verification of compliance with the rules referred to in *point* (j) of Article 1(2) to one or more delegated bodies, they shall attribute a code number to each delegated body and designate authorities responsible for their approval and supervision.

4. Where competent authorities delegate specific official control tasks for the verification of compliance with the rules referred to in *points* (j) *and* (k) of Article 1(2) to one or more delegated bodies, they shall attribute a code number to each delegated body and designate authorities responsible for their approval and supervision.

Justification

It is difficult to understand why this only applies to organic farming and not to other products bearing quality markers. They should be included.

Amendment 64

Proposal for a regulation

Article 26 – paragraph 1 – point b – point iii

Text proposed by the Commission

(iii) is impartial and free from any conflict of interest as regards the exercise of the specific official control tasks delegated to it;

Amendment

(iii) is impartial, ***independent from the operator being controlled*** and free from any conflict of interest as regards the exercise of the specific official control tasks delegated to it;

Amendment 65

Proposal for a regulation

Article 26 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Staff of the delegated body shall be required not to disclose information acquired when undertaking their duties in the context of official controls and other official activities which by its nature is covered by professional secrecy.

Justification

It is important to include the confidentiality requirement for the delegated bodies, as this is already required of staff of the competent authorities involved in official controls.

Amendment 66

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

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

account:

taking into account:

Justification

Use should be preferable and not compulsory.

Amendment 67

**Proposal for a regulation
Article 33 – paragraph 4**

Text proposed by the Commission

4. Where laboratory analyses, tests or diagnoses are urgently needed and none of the methods referred to in paragraphs 1 and 2 exists, the relevant national reference laboratory or, if no such national reference laboratory exists, any other laboratory designated in accordance with Article 36(1) may use methods other than those referred to in paragraphs 1 and 2 of this Article until the validation of an appropriate method in accordance with internationally accepted scientific protocols.

Amendment

4. Where laboratory analyses, tests or diagnoses are urgently needed, ***in exceptional cases due to a developing emergency situation***, and none of the methods referred to in paragraphs 1 and 2 exists, the relevant national reference laboratory or, if no such national reference laboratory exists, any other laboratory designated in accordance with Article 36(1) may use methods other than those referred to in paragraphs 1 and 2 of this Article until the validation of an appropriate method in accordance with internationally accepted scientific protocols.

Amendment 68

**Proposal for a regulation
Article 33 – paragraph 7 – subparagraph 1 – introductory wording**

Text proposed by the Commission

The Commission may, by means of implementing acts, lay down rules for:

Amendment

The Commission may, by means of implementing acts, ***insofar as these matters are not otherwise regulated***, lay down rules for:

Justification

For the field of feed, Regulation (EC) No 152/2009 on sampling and analysis procedures exists. It deals with both sampling and methods of examination. A revised version of this

Regulation is due to be published shortly. The Commission can therefore only act to the extent that the relevant provisions are not already laid down elsewhere.

Amendment 69

Proposal for a regulation

Article 34 – paragraph 1 – subparagraph 2 – 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 ***and divided into three parts for the purpose of an initial analysis and, if appropriate, a second expert opinion at the request of the operator, then another final analysis, if there is a discrepancy between the two previous ones;***

Justification

A final analysis should be carried out in the case of discrepancies, so it is important to have three parts of the same sample.

Amendment 70

Proposal for a regulation

Article 35 – paragraph 2 – introductory part

Text proposed by the Commission

2. Competent authorities shall take all steps to ensure that the operators from whom ***the*** samples are ordered in accordance with paragraph 1:

Amendment

2. Competent authorities, ***once they are in possession of the samples,*** shall take all steps to ensure that the operators from whom ***these*** samples are ordered in accordance with paragraph 1:

Amendment 71

Proposal for a regulation

Article 36 – paragraph 4 – point a

Text proposed by the Commission

Amendment

(a) has the expertise, equipment and infrastructure required to carry out analyses or tests or diagnoses on samples; ***deleted***

Justification

Compliance with the requirement will be checked by the accreditation body as part of the procedure for accreditation pursuant to EN ISO/IEC 17025.

Amendment 72

Proposal for a regulation

Article 36 – paragraph 4 – point b

Text proposed by the Commission

Amendment

(b) has a sufficient number of suitably qualified, trained and experienced staff; ***deleted***

Justification

Compliance with the requirement will be checked by the accreditation body as part of the procedure for accreditation pursuant to EN ISO/IEC 17025.

Amendment 73

Proposal for a regulation

Article 36 – paragraph 4 – point c

Text proposed by the Commission

Amendment

(c) is impartial and free from any conflict of interest as regards the exercise of its tasks as official laboratory; ***deleted***

Justification

Compliance with the requirement will be checked by the accreditation body as part of the procedure for accreditation pursuant to EN ISO/IEC 17025.

Amendment 74

Proposal for a regulation

Article 36 – paragraph 4 – point e

Text proposed by the Commission

(e) operates in accordance with the standard EN ISO/IEC 17025 on 'General requirements for the competence of testing and calibration laboratories' and is **assessed and** accredited in accordance with that standard by a national accreditation body operating in accordance with Regulation (EC) No 765/2008.

Amendment

(e) operates in accordance with the standard EN ISO/IEC 17025 on 'General requirements for the competence of testing and calibration laboratories' and is accredited in accordance with that standard by a national accreditation body operating in accordance with Regulation (EC) No 765/2008.

Justification

The formulation 'assessed and accredited' is incomprehensible. As part of the accreditation procedure, the national accreditation body performs extensive audits (evaluations). Thus the testing laboratory is 'assessed' before being accredited.

Amendment 75

Proposal for a regulation

Article 36 – paragraph 5 – subparagraph 1 – introductory part

Text proposed by the Commission

The scope of the **assessment and** accreditation of an official laboratory referred to in point (e) of paragraph 4:

Amendment

The scope of the accreditation of an official laboratory referred to in point (e) of paragraph 4:

Justification

The formulation 'assessment and accreditation' is incomprehensible. As part of the accreditation procedure, the national accreditation body performs extensive audits (evaluations). Thus the testing laboratory is 'assessed' before being accredited.

Amendment 76

Proposal for a regulation

Article 36 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. When competent authorities designate a private laboratory to carry out the laboratory analyses, tests and diagnoses on samples taken during official controls, this designation shall not be considered as a delegation of tasks and therefore need not comply with the provisions of chapter III of this Title.

Justification

The analysis, testing and diagnosis by private laboratories is not considered to be a delegation of tasks, as only part of one of the official control actions is performed, in this case only one of the expert tests, so this cannot be regarded per se as the delegation of official control.

Amendment 77

Proposal for a regulation Article 37 – paragraph 3

Text proposed by the Commission

Amendment

3. Official laboratories shall make available to the public the list of methods used for analyses, tests or diagnoses performed in the context of official controls and other official activities.

deleted

Amendment 78

Proposal for a regulation Article 39 – title

Text proposed by the Commission

Amendment

Derogations from the condition for the mandatory ***assessment and*** accreditation for certain official laboratories

Derogations from the condition for the mandatory accreditation for certain official laboratories

Justification

The assessment precedes the accreditation.

Amendment 79

Proposal for a regulation

Article 39 – paragraph 1 – introductory part

Text proposed by the Commission

1. By derogation from point (e) of Article 36(4), competent authorities may designate the following as official laboratories irrespective of whether they fulfil the condition provided for in that point:

Amendment

1. By derogation from point (e) of Article 36(4), competent authorities may designate the following as official laboratories, ***or laboratories acting under official supervision***, irrespective of whether they fulfil the condition provided for in that point:

Justification

The word 'official' may be misleading as the scope of this article should also encompass private accredited laboratories.

Amendment 80

Proposal for a regulation

Article 39 – paragraph 1 – point a – point iii

Text proposed by the Commission

(iii) that carry out the detection of *Trichinella* under the supervision of the competent authorities or of an official laboratory designated in accordance with Article 36(1), and ***assessed and*** accredited in accordance with the standard EN ISO/IEC 17025 on ‘General requirements for the competence of testing and calibration laboratories’ for the use of the methods referred to in point (a)(ii) of this paragraph;

Amendment

(iii) that carry out the detection of *Trichinella* under the supervision of the competent authorities or of an official laboratory designated in accordance with Article 36(1), and accredited in accordance with the standard EN ISO/IEC 17025 on ‘General requirements for the competence of testing and calibration laboratories’ for the use of the methods referred to in point (a)(ii) of this paragraph;

Justification

The formulation ‘assessed and accredited’ is incomprehensible. As part of the accreditation procedure, the national accreditation body performs extensive audits (evaluations). Thus the testing laboratory is ‘assessed’ before being accredited.

Amendment 81

Proposal for a regulation Article 40 – title

Text proposed by the Commission

Powers to adopt derogations from the condition for the mandatory **assessment and** accreditation of all the methods of laboratory analysis, test and diagnosis used by official laboratories

Amendment

Powers to adopt derogations from the condition for the mandatory accreditation of all the methods of laboratory analysis, test and diagnosis used by official laboratories

Justification

The formulation ‘assessment and accreditation’ is incomprehensible. As part of the accreditation procedure, the national accreditation body performs extensive audits (evaluations). Thus the testing laboratory is ‘assessed’ before being accredited.

Amendment 82

Proposal for a regulation Article 41 – title

Text proposed by the Commission

Temporary derogations from the condition for the mandatory **assessment and** accreditation of official laboratories

Amendment

Temporary derogations from the condition for the mandatory accreditation of official laboratories

Justification

The formulation ‘assessment and accreditation’ is incomprehensible. As part of the accreditation procedure, the national accreditation body performs extensive audits (evaluations). Thus the testing laboratory is ‘assessed’ before being accredited.

Amendment 83

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;***

(a) goods sent as commercial or trade samples or as display items for exhibitions;

Justification

Passing on a commercial sample or display item for an exhibition to somebody else already constitutes placing on the market as defined in Article 3(8) of Regulation (EC) No 178/2002.

Amendment 84

Proposal for a regulation

Article 46 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) animals and goods intended for scientific purposes;

deleted

Justification

Checks on animals intended for scientific purposes should be carried out at EU borders, given the possible risk to human health.

Amendment 85

Proposal for a regulation

Article 46 – paragraph 1 – point f

Text proposed by the Commission

Amendment

(f) pet animals as defined in point (10) of Article 4(1) of Regulation (EU) No XXX/XXXX [Office of Publications, please insert number of the Regulation on animal health];

deleted

Justification

Allowing the Commission to relax checks on pet animals entering the Union could have a huge impact upon animal health and welfare. Any such proposals should receive proper scrutiny from the Parliament and Council.

Amendment 86

Proposal for a regulation Article 47 – paragraph 1

Text proposed by the Commission

1. The competent authorities shall perform official controls on the consignments of the categories of animals and goods referred to in Article 45(1) upon arrival of the consignment at the border control post. Those official controls shall include documentary, identity and physical checks.

Amendment

1. The competent authorities shall perform official controls on the consignments of the categories of animals and goods referred to in Article 45(1) upon arrival of the consignment at the border control post. Those official controls shall ***take account of both previous compliance and the possible risks posed and may*** include documentary, identity and physical checks.

Amendment 87

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 ***or on products of animal origin***, they shall be carried out by an official veterinarian or under his supervision.

Justification

The official veterinarian must remain responsible for decisions on live animals and products of animal origin (meat, dairy products, etc.).

Amendment 88

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(iiia) pets travelling with their owners.

Justification

That competent authorities may assign certain specific tasks to customs authorities or other public authorities is laid down. Checking pets travelling with their owners should be included in these tasks.

Amendment 89

Proposal for a regulation

Article 53 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. These decisions shall be recorded in the Common Health Entry Document referred to in Article 54.

Justification

To make the procedure clearer.

Amendment 90

Proposal for a regulation

Article 54 – paragraph 4 – introductory part

Text proposed by the Commission

Amendment

4. The competent authorities of the border control post shall ***finalise the CHED*** as soon as:

4. The competent authorities of the border control post ***shall record the decision on the consignment in the Common Health Entry Document*** as soon as ***all official controls required by Article 47(1) have been performed.***

Justification

The purpose of the amendment is to replace all of point 4 with simpler and more easily understood wording.

Amendment 91

Proposal for a regulation

Article 54 – paragraph 4 – point a

Text proposed by the Commission

Amendment

a) all official controls required by Article 47(1) have been performed; ***deleted***

Justification

The purpose of the amendment is to replace all of point 4 with simpler and more easily understood wording.

Amendment 92

Proposal for a regulation

Article 54 – paragraph 4 – point b

Text proposed by the Commission

Amendment

b) the results from physical checks, where such checks are required, are available; ***deleted***

Justification

The purpose of the amendment is to replace all of point 4 with simpler and more easily understood wording.

Amendment 93

Proposal for a regulation

Article 54 – paragraph 4 – point c

Text proposed by the Commission

Amendment

c) a decision on the consignment has been taken in accordance with Article 53 and recorded on the CHED. ***deleted***

Justification

The purpose of the amendment is to replace all of point 4 with simpler and more easily understood wording.

Amendment 94

Proposal for a regulation Article 56 – paragraph 2

Text proposed by the Commission

Amendment

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 139 concerning rules establishing the cases where and the conditions under which the CHED must accompany consignments of the categories of animals and goods referred to in Article 45(1) to the place of destination.

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 139 concerning rules establishing the cases where and the conditions under which the CHED must accompany consignments of the categories of animals and goods referred to in Article 45(1) to the place of destination. ***A copy of the CHED shall in any case accompany consignments of the categories of animals and goods referred to in Article 45(1) to the place of destination.***

Justification

A copy of the CHED must always accompany consignments of animals and goods that have been controlled to their place of destination.

Amendment 95

Proposal for a regulation Article 57 – paragraph 4

Text proposed by the Commission

Amendment

4. The Member State shall delay designating the border control post until the favourable outcome of the control has been communicated to it by the Commission.

deleted

Amendment 96

Proposal for a regulation Article 62 – paragraph 1

Text proposed by the Commission

Amendment

1. Border control posts shall be located in the immediate vicinity of the point of entry into the Union and in a place suitably equipped ***to be designated by the customs authorities*** in accordance with Article 38(1) of Regulation (EEC) No 2913/92.

1. Border control posts shall be located in the immediate vicinity of the point of entry into the Union and in a place ***that is*** suitably equipped, in accordance with Article 38(1) of Regulation (EEC) No 2913/92.

Amendment 97

Proposal for a regulation Article 63 – paragraph 2

Text proposed by the Commission

Amendment

2. ***Consignments of*** animals and goods which are not declared by operators ***to consist of the categories of animals and goods*** referred to in Article 45(1), ***shall be subject to official controls by the competent authorities where there is reason to believe that such categories of animals or goods are present in the consignment.***

2. ***Where the competent authorities suspect that a consignment contains certain*** animals and/or goods which ***have*** not ***been*** declared by operators, ***they shall perform the official controls*** referred to in Article 45(1).

Justification

A clearer wording is proposed.

Amendment 98

Proposal for a regulation

Article 63 – paragraph 3 – subparagraph 1

Text proposed by the Commission

The competent authorities shall place the consignments referred to in paragraphs 1 and 2 ***under official detention*** until they obtain the results of the official controls provided for in those paragraphs.

Amendment

The competent authorities shall ***subject*** the consignments referred to in paragraphs 1 and 2 ***to more stringent checks including necessary sampling and analysis, officially detaining them*** until they obtain the results of the official controls provided for in those paragraphs.

Justification

These suspect or undeclared products must undergo more stringent check with analysis.

Amendment 99

Proposal for a regulation

Article 64 – paragraph 1 – subparagraph 2

Text proposed by the Commission

As appropriate, any such consignment shall be isolated or quarantined and animals belonging to it shall be kept and treated under appropriate conditions pending any further decision.

Amendment

As appropriate, any such consignment shall be isolated or quarantined and animals belonging to it shall be kept and treated under appropriate conditions pending any further decision. ***The special needs of other goods shall also be borne in mind.***

Justification

The aim is to clarify the procedure.

Amendment 100

Proposal for a regulation

Article 64 – paragraph 3 – introductory wording

Text proposed by the Commission

3. **Having, where possible, heard** the operator responsible for the consignment, **the competent authorities** shall, without delay, order that the operator:

Amendment

3. **The competent authorities shall hear** the operator responsible for the consignment. **The competent authority may omit this if an immediate decision is necessary either because a delay would be dangerous or in the public interest. It** shall, without delay, order that the operator:

Justification

As a matter of principle, it is always necessary – and also possible – to hear parties fairly. The conditions should therefore be precisely defined under which this legal principle may be restricted, or under which such a restriction is even imperative.

Amendment 101

Proposal for a regulation
Article 65 – title

Text proposed by the Commission

Measures to be taken **on animals or goods entering the Union** from third countries presenting a risk

Amendment

Measures to be taken **in cases of an attempt to bring non-compliant consignments into the EU** from third countries presenting a risk

Amendment 102

Proposal for a regulation
Article 67 – paragraph 1

Text proposed by the Commission

1. The operator shall carry out all the measures ordered by the competent authorities in accordance with Article 64 (3) and (5) and 65 without delay and, at the latest, within 60 days from the day on which the competent authorities notified

Amendment

1. The operator shall carry out all the measures ordered by the competent authorities in accordance with Article 64 (3) and (5) and 65 without delay and, at the latest, **in the case of products**, within 60 days from the day on which the competent

the operator of their decision in accordance with Article 64(4).

authorities notified the operator of their decision in accordance with Article 64(4).

Justification

The operator is given a 60-day period within which to carry out the decision of the competent authorities. For live animals, this may be too long a period.

Amendment 103

Proposal for a regulation

Article 71 – paragraph 4 – introductory part

Text proposed by the Commission

4. The competent authorities or a ***delegated*** body ***specified in the approval shall:***

Amendment

4. The competent authorities or a ***monitoring authority or body recognised by the Commission in the field of ecological products.***

Justification

Third country responsibility for contact with the EU and ensuring compliance must lie with the competent authority, without delegation.

Amendment 104

Proposal for a regulation

Article 72 – paragraph 1 – point a

Text proposed by the Commission

(a) notify the Commission and the other Member States and operators concerned via the TRACES system in addition to seeking administrative assistance in accordance with the procedures established in Title IV;

Amendment

(a) notify the Commission and the other Member States and operators concerned via the TRACES system, ***including the measures to be applied,*** in addition to seeking administrative assistance in accordance with the procedures established in Title IV;

Amendment 105

Proposal for a regulation

Article 73 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The customs authorities shall only release those consignments of animals and goods under Article 45 in respect of which the competent authority at the border control post has carried out the official controls provided for in Article 47 and issued a decision recorded in the CHED.

Justification

The aim is to fully guarantee that customs authorities take no decisions concerning consignments which are undergoing official controls.

Amendment 106

Proposal for a regulation

Article 76 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall ensure that adequate financial resources are available to provide the staff and other resources necessary for the competent authorities to perform official controls and other official activities.

1. Member States shall ensure that adequate financial resources are available, ***by whatever means they deem appropriate***, to provide the staff and other resources necessary for the competent authorities to perform official controls and other official activities.

Amendment 107

Proposal for a regulation

Article 76 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The Member States may collect fees

*deriving from official control activities
under the terms of Article 77.*

Justification

It is important to remember that according to the principle of subsidiarity Member States may or may not have access to this 'financing of official controls' system, as there is no fiscal harmonisation in the EU.

Amendment 108

**Proposal for a regulation
Article 76 – paragraph 2**

Text proposed by the Commission

Amendment

2. In addition to the fees collected in accordance with Article 77, Member States may collect fees to cover costs occasioned by official controls other than those referred to in Article 77(1) and (2).	<i>deleted</i>
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Justification

It is up to the Member States to establish which activities, out of those included in the list, shall have fees attached to them, depending on the situation in each Member State.

Amendment 109

**Proposal for a regulation
Article 76 – paragraph 4**

Text proposed by the Commission

Amendment

4. Member States <i>shall</i> consult the operators concerned on the methods used to calculate the fees provided for in Article 77.	4. Member States <i>may</i> consult the operators concerned on the methods used to calculate the fees provided for in Article 77.
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Amendment 110

Proposal for a regulation

Article 77 – title

Text proposed by the Commission

Amendment

Mandatory fees

Fees

Justification

The application of fees should be optional on the part of the Member States, given that there is no fiscal harmonisation at European level.

Amendment 111

Proposal for a regulation

Article 77 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

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:

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

Amendment 112

Proposal for a regulation

Article 77 – paragraph 3 – point a (new)

Text proposed by the Commission

Amendment

(aa) the official controls referred to in point (a) of that paragraph shall not include official controls performed at the level of primary production as defined in Article 3(17) of Regulation 178/2002, including on farm processing;

Justification

The primary production, including on farm processing, must be exempted by the mandatory system of fees recovery. A specific framework is already established within the Regulation on the financing, management and monitoring of the CAP. Farmers' income on average is 50%

less than other average incomes of any other sectors' of the European economy. Further costs for official controls would be unacceptable and certainly against the principle of income support promoted as part of the CAP.

Amendment 113

Proposal for a regulation

Article 77 – paragraph 3 – point b a (new)

Text proposed by the Commission

Amendment

(ba) Member States may decide that the fees provided for in paragraph 1 shall not apply to food business operators solely providing local services.

Amendment 114

Proposal for a regulation

Article 78 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. The competent authorities ***shall*** collect fees in accordance with Article 77 to recover the following costs:

1. The competent authorities ***may*** collect fees in accordance with Article 77 to recover the following costs:

Amendment 115

Proposal for a regulation

Article 79

Text proposed by the Commission

Amendment

Article 79

deleted

Calculation of fees

1. Fees collected in accordance with Article 77 shall be:

(a) established at a flat-rate on the basis of the overall costs of official controls borne by the competent authorities over a

given period of time, and applied to all operators irrespective of whether any official control is performed during the reference period in relation to each operator charged; in establishing the level of the fees to be charged on each sector, activity and category of operators, the competent authorities shall take into consideration the impact that the type and the size of the activity concerned and the relevant risk factors have on the distribution of the overall costs of those official controls; or,

(b) calculated on the basis of the actual costs of each individual official control, and applied to the operators subject to such official control; such fee shall not exceed the actual costs of the official control performed and may be partly or entirely expressed as a function of the time employed by the staff of the competent authorities to perform the official controls.

2. Travel costs as referred to in point (e) of Article 78(1) shall be considered for the calculation of the fees referred to in Article 77(1) in a manner that does not discriminate between operators on the basis of the distance of their premises from the location of the competent authorities.

3. Where fees are calculated in accordance with point (a) of paragraph 1, the fees collected by competent authorities in accordance with Article 77 shall not exceed the overall costs incurred for the official controls performed over the period of time referred to in point (a) of paragraph 1.

Amendment 116

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

Where fees are established in accordance with **Article 77 and the necessary financial resources are available and insofar as Article 78 is complied with, when the formula laid down in** point (a) of Article 79(1) **is used**, the rate of the fee **which may** be applied to each operator **may** 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.

Justification

Brings the text into line with Article 77, which proposes that fees should be optional for the Member States, and Article 78, which lays down the obligation to cover the cost of official controls. Any reduction needs to be viable while at the same time meeting this requirement.

Amendment 117

**Proposal for a regulation
Article 81 – paragraph 2**

Text proposed by the Commission

2. Fees collected in accordance with point (d) of Article 77(1) **shall** be paid by the operator responsible for the consignment or its representative.

Amendment

2. Fees collected in accordance with point (d) of Article 77(1) **may** be paid by the operator responsible for the consignment or its representative.

Amendment 118

**Proposal for a regulation
Article 84 – introductory part**

Text proposed by the Commission

Amendment

Competent authorities **shall** charge fees to cover the additional costs they have incurred as a result of:

Competent authorities **may** charge fees to cover the additional costs they have incurred as a result of:

Justification

There is no reason why operators who are obliged to undergo an inspection should also be forced to pay for it

Amendment 119

Proposal for a regulation

Article 85 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) official health attestations

Justification

In line with the proposed definitions.

Amendment 120

Proposal for a regulation

Article 85 – paragraph 2

Text proposed by the Commission

Amendment

2. Where the competent authorities delegate specific tasks related to the issuance of official certificates **or** official attestations, or to the official supervision referred to in Article 90(1) such delegation shall comply with the provisions of Articles 25 to 32.

2. Where the competent authorities delegate specific tasks related to the issuance of official certificates, official attestations or **official health attestations**, or to the official supervision referred to in Article 90(1) such delegation shall comply with the provisions of Articles 25 to 32.

Justification

In line with the proposed definitions.

Amendment 121

Proposal for a regulation Article 87 – paragraph 1

Text proposed by the Commission

1. Official certificates shall be issued by the competent authorities.

Amendment

1. Official certificates shall be issued by the competent ***authorities or delegated bodies pursuant to Articles 25 to 32.***

Justification

In accordance with Article 85(2).

Amendment 122

Proposal for a regulation Article 88 – paragraph 1 – point d

Text proposed by the Commission

(d) enable the identification of the person who signed them;

Amendment

(d) enable the identification of the person who signed them ***and the date of issue;***

Amendment 123

Proposal for a regulation Article 88 – paragraph 1 – point e

Text proposed by the Commission

(e) allow the verification of the link between the certificate and the consignment, lot or individual animal or good covered by the certificate.

Amendment

(e) allow the ***easy*** verification of the link between the certificate, ***the issuing authority*** and the consignment, lot or individual animal or good covered by the certificate.

Amendment 124

Proposal for a regulation

Article 91 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. The Commission may, where it considers appropriate, designate more than one reference laboratory for the same disease and thus promote the rotation of national laboratories meeting the requirements of paragraph 3 of this Article.

Amendment 125

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(ga) ensure that their staff respect the confidential nature of certain subjects, results or communications.

Justification

The activities and actions of the European Union reference laboratories must be confidential, as laid down in Article 32(4)(d) of Regulation 882/2004 currently applicable .

Amendment 126

Proposal for a regulation

Article 92 – paragraph 2 – point b

Text proposed by the Commission

Amendment

b) coordinating the application by the national reference laboratories ***and, if necessary, by other official laboratories*** of the methods referred to in point (a), in particular, by organising regular inter-laboratory comparative testing and by

b) coordinating the application by the national reference laboratories of the methods referred to in point (a), in particular, by organising regular inter-laboratory comparative testing and by ensuring appropriate follow-up of such

ensuring appropriate follow-up of such comparative testing in accordance, where available, with internationally accepted protocols;

comparative testing in accordance, where available, with internationally accepted protocols ***and informing the competent authorities of the follow-up and results of such inter-laboratory comparative testing;***

Justification

This should be limited to national reference laboratories.

Amendment 127

Proposal for a regulation

Article 92 – paragraph 2 – point d

Text proposed by the Commission

d) conducting training courses for the benefit of staff from national reference laboratories and, if needed, ***from*** other official laboratories, as well as of experts from third countries;

Amendment

d) conducting training courses ***free of charge*** for the benefit of staff from national reference laboratories and, if needed, ***providing training courses for the staff of*** other official laboratories, as well as of experts from third countries;

Justification

It should be specified that the courses are free of charge for national reference laboratories .

Amendment 128

Proposal for a regulation

Article 95 – paragraph 1

Text proposed by the Commission

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 in relation to the application of the rules referred to in point (f) of Article 1(2).

Amendment

1. The Commission ***shall***, by means of implementing acts, designate European Union reference centres that shall support the activities of the Commission and of the Member States in relation to the application of the rules referred to in point (f) of Article 1(2).

Amendment 129

Proposal for a regulation

Article 100 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Communications between competent authorities conducted in accordance with the provisions of this title shall be without prejudice to the provisions of Regulation 16/2011 laying down implementing measures for the Rapid Alert System for Food and Feed (RASFF) regarding communications through the RASFF system.

Justification

It is important to include a specific reference to the rapid alert system (RASFF) for certain communications between the Member State authorities which are subject to different rules to those laid down under this title

Amendment 130

Proposal for a regulation

Article 103 – paragraph 2 – point b – introductory part

Text proposed by the Commission

Amendment

b) shall indicate within ***ten*** days from the date of receipt of the notification:

b) shall indicate within ***15 working*** days from the date of receipt of the notification:

Amendment 131

Proposal for a regulation

Article 107 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

2. Member States shall designate ***a single*** authority responsible for:

2. Member States shall designate ***the*** authority ***or authorities*** responsible for:

Justification

It is not considered appropriate to designate a single authority responsible for all the aspects referred to in paragraph 2, given their enormous variability in the different areas covered by this Regulation.

Amendment 132

Proposal for a regulation

Article 107 – paragraph 2 – point b

Text proposed by the Commission

b) ensuring that such plan is coherent and ***consistently implemented.***

Amendment

b) ensuring that such plan is coherent and ***complies with this Regulation.***

Amendment 133

Proposal for a regulation

Article 108 – paragraph 2 – introductory part

Text proposed by the Commission

2. Multi-annual national control plans shall contain general information on the structure and organisation of the systems of official control in the Member State concerned, and shall contain at least information on the following:

Amendment

2. Multi-annual national control plans shall contain general information on the structure and organisation of the systems of official control in the Member State concerned ***for each of the sectors concerned*** and shall contain at least information on the following:

Justification

The contents of the control plans for the different sectors should not be limited to a single format or document. A catch-all document would be unclear.

Amendment 134

Proposal for a regulation

Article 110

Text proposed by the Commission

Amendment

Article 110

deleted

Delegated powers for multi-annual national control plans

The Commission shall be empowered to adopt delegated acts in accordance with Article 139 concerning the multi-annual national control plans provided for in Article 107(1).

Those delegated acts shall lay down rules on:

- a) criteria for the risk categorisation of the operators' activities;***
- b) priorities for official controls based on the criteria laid down in Article 8 and in the rules provided for in Articles 15 to 24;***
- c) procedures to maximise the effectiveness of official controls;***
- d) the main performance indicators to be applied by the competent authorities in assessing the multi-annual national control plan and its implementation.***

Justification

Risk criteria, along with procedures and priorities, should be established by the Member States. It is accordingly recommended that this article be deleted.

Amendment 135

Proposal for a regulation

Article 111 – introductory part

Text proposed by the Commission

Amendment

With a view to conducting Union wide targeted assessment of the state of application of the rules referred to in Article 1(2) or establishing the prevalence of certain hazards across the Union, the Commission shall be empowered to adopt ***delegated acts in accordance with***

With a view to conducting Union wide targeted assessment of the state of application of the rules referred to in Article 1(2) or establishing the prevalence of certain hazards across the Union, the Commission shall be empowered to adopt ***implementing*** acts concerning:

Article 139 concerning:

Justification

It is essential for Member States to participate in the formulation of rules for the organization of coordinated control plans to be implemented by the Member States.

Amendment 136

Proposal for a regulation

Article 111 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 141(2).

Justification

It is essential for Member States to participate in the formulation of rules for the organization of coordinated control plans to be implemented by the Member States.

Amendment 137

Proposal for a regulation

Article 112 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. By 30th June every **year**, each Member State shall submit to the Commission a report setting out:

1. By 30th June every ***second year after the entry into force of this Regulation***, each Member State shall submit to the Commission a report setting out:

Amendment 138

Proposal for a regulation

Article 117 – paragraph 2

Text proposed by the Commission

2. The Commission may, by means of implementing acts, amend its control programme to take account of developments in the areas governed by the rules referred to in Article 1(2). Any such amendment shall be communicated to the Member States.

Amendment

2. The Commission may, by means of implementing acts, amend its control programme to take account of developments in the areas governed by the rules referred to in Article 1(2). Any such amendment shall be communicated to the Member States ***sufficiently well in advance***.

Justification

It is essential to ensure that Member States are kept properly informed, which means doing so sufficiently well in advance.

Amendment 139

**Proposal for a regulation
Article 118 – point b**

Text proposed by the Commission

(b) give ***all*** necessary assistance and provide ***all*** documentation and other technical support ***that*** Commission experts ***request*** to enable them to perform controls efficiently and effectively;

Amendment

b) give necessary assistance and provide documentation and other technical support for Commission experts to enable them to perform controls efficiently and effectively;

Justification

It is necessary for planning purposes to take account of the circumstances in any given situation.

Amendment 140

**Proposal for a regulation
Article 129 – paragraph 1 – subparagraph 1**

Text proposed by the Commission

The Commission ***may*** organise training activities for the staff of the competent

Amendment

The Commission ***shall*** organise training activities for the staff of the competent

authorities and, where appropriate, for staff of other authorities of the Member States involved in investigations of possible violations of the provisions of this Regulation and of the rules referred to in Article 1(2).

authorities and, where appropriate, for staff of other authorities of the Member States involved in investigations of possible violations of the provisions of this Regulation and of the rules referred to in Article 1(2).

Justification

The Commission is not authorised but instructed by the Council and Parliament.

Amendment 141

Proposal for a regulation

Article 129 – paragraph 1 – subparagraph 2

Text proposed by the Commission

The Commission *may* organise those activities in cooperation with Member States.

Amendment

The Commission *shall* organise those activities in cooperation with Member States.

Justification

The Commission is not authorised but instructed by the Council and Parliament.

Amendment 142

Proposal for a regulation

Article 130 – paragraph 1

Text proposed by the Commission

1. The Commission shall set up and manage a computerised information management system for the integrated operation of the mechanisms and tools through which data, information and documents concerning official controls are managed and handled ('the IMSOC').

Amendment

1. The Commission shall set up and manage a computerised information management system for the integrated operation of the mechanisms and tools through which data, information and documents concerning official controls are managed and handled ('the IMSOC'), *taking into account existing national systems*.

Amendment 143

Proposal for a regulation

Article 134 – paragraph 3 – point a

Text proposed by the Commission

a) the performance of intensified official controls on animals, goods and operators for an appropriate period;

Amendment

a) the performance of intensified official controls on animals, goods and operators for an appropriate period, ***depending on the nature of the risk in each case.***

Justification

The period is adapted to the nature of the possible risk to avoid subjective interpretation.

Amendment 144

Proposal for a regulation

Article 135 – paragraph 2 – point b

Text proposed by the Commission

(b) order the unloading, transfer to another means of transport, holding ***and*** care of animals, quarantine periods, the postponement of the slaughter of animals;

Amendment

(b) order the unloading, transfer to another means of transport, holding ***in suitable accommodation with appropriate*** care of animals, quarantine periods, the postponement of the slaughter of animals;

Justification

The additional words are included in Regulation 1/2005 and clarify what is meant by "holding and care".

Amendment 145

Proposal for a regulation

Article 135 – paragraph 2 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Where official controls on journey logs provided for in point (i) of paragraph (b) of Article 18 (1) determine non-compliance, the competent authorities

shall require that the operator amend the arrangements for the intended long journey to ensure compliance with Regulation (EC) No 1/2005.

Justification

To reflect the provision in Regulation (EC) No 1/2005 for amending journey requirements in cases of non-compliance.

Amendment 146

Proposal for a regulation Article 139 – paragraph 2

Text proposed by the Commission

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 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.

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 133, 138(1) and (2), 143(2), 144(3), 151(3), 153(3) and 159(3) shall be conferred for *a* period of *five years* from the date of entry into force of this Regulation. *The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.*

Amendment 147

Proposal for a regulation Article 139 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. For the period during which these delegated powers are exercised, it is particularly important for the Commission to engage in appropriate consultations at the preparatory stage including consultations with experts. In drawing up working documents with regard to delegated acts, the Commission shall ensure that the most relevant are forwarded simultaneously to the European Parliament and Council when appropriate.

Justification

This paragraph is added to ensure that the Commission is required to take account of the Member States through consultation of expert working groups prior to the publication of a delegated act.

Amendment 148

Proposal for a regulation Article 141 – paragraph 1

Text proposed by the Commission

Amendment

1. The Commission shall be assisted by the Standing Committee on Plants, Animals, Food and Feed established by Article 58(1) of Regulation (EC) No 178/2002. That Committee is a Committee in the meaning of Regulation (EU) No 182/2011.

1. The Commission shall be assisted by the Standing Committee on Plants, Animals, Food and Feed established by Article 58(1) of Regulation (EC) No 178/2002. That Committee is a Committee in the meaning of Regulation (EU) No 182/2011, except ***under Article 23, which requires the Commission to be assisted by committees set up under Regulation (EC) No 834/2007 on organic production, Regulation (EU) No 1151/2012 regarding DOP, PGI and TSG food product designations, Regulation (EC) No 1234/2007 regarding DOP and PGI wine designations and Regulation (EC) No 110/2008 regarding the geographical indications of spirit drinks.***

Justification

In line with Article 23.

Amendment 149

Proposal for a regulation

Article 141 – paragraph 2 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.

Justification

It is necessary to ensure that, where the committee has not delivered an opinion, the Commission may review the draft implementing acts, taking into account the views expressed by the committee.

Amendment 150

Proposal for a regulation

Article 150 – point b

Text proposed by the Commission

Amendment

(b) Articles 14, 15, 16, 21, **22(2)**, 23, 24 and 26 are deleted;

(b) Articles 14, 15, 16, 21, 23, 24 and 26 are deleted;

Justification

Article 22(2) is an important provision that protects animals from undue delays during transport and the associated welfare problems. Therefore it should not be deleted.

PROCEDURE

Title	Controls and 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
References	COM(2013)0265 – C7-0123/2013 – 2013/0140(COD)
Committee responsible Date announced in plenary	ENVI 23.5.2013
Opinion by Date announced in plenary	AGRI 23.5.2013
Associated committee(s) - date announced in plenary	21.11.2013
Rapporteur Date appointed	Britta Reimers 12.6.2013
Discussed in committee	17.9.2013 4.11.2013
Date adopted	21.1.2014
Result of final vote	+: 24 -: 6 0: 0
Members present for the final vote	John Stuart Agnew, Eric Andrieu, Liam Aylward, José Bové, Luis Manuel Capoulas Santos, Albert Deß, Diane Dodds, Herbert Dorfmann, Hynek Fajmon, Iratxe García Pérez, Julie Girling, Martin Häusling, Esther Herranz García, Peter Jahr, Elisabeth Jeggle, George Lyon, Gabriel Mato Adrover, Mairead McGuinness, James Nicholson, Marit Paulsen, Britta Reimers, Giancarlo Scottà, Czesław Adam Siekierski, Alyn Smith, Janusz Wojciechowski
Substitute(s) present for the final vote	Luís Paulo Alves, Pilar Ayuso, Esther de Lange, Christa Klaß, Anthea McIntyre, Petri Sarvamaa
Substitute(s) under Rule 187(2) present for the final vote	Adam Gierek