

Brussels, 9th April 2014
UECBV Ref: 4983

Proposal on Official Food and Feed Controls [\[COM \(2013\) 265\]](#) – Vote in Plenary session on 14th April 2014: Call for action and state of play at Council level

I. Call for action at European Parliament (EP) level

Following *note 4806* with the results of the vote on official controls and other official activities at the ENVI Committee on 20th February, please find hereafter a state of play in preparation to the vote in plenary session on Tuesday, 15th April (the point is up for discussion on Monday, 14th April).

Please find [here](#) the consolidated Pirillo's report.

Some points are highlighted with different colours, as follows:

- ❖ **Yellow**: just to draw your attention on these points, covering in particular food fraud/food authenticity and quality aspects. Nevertheless, if you consider that we should react to one of these points, please let us know.
- ❖ **Red**: bad amendments for which action is required.
- ❖ **Pink**: bad amendments with a bit less importance, in particular as we anyway expect the Member States (MS) to react or where there is no clear UECBV position. Nevertheless, if you consider that we should react to one of these points, please let us know.
- ❖ **Green**: important amendments to be supported.
- ❖ **Blue**: border inspection/imports.
- ❖ **Grey**: animal welfare.

The following particular points are not highlighted:

- organic production,
- GMOs,
- requirements for reference laboratories,
- multi annual control plan,
- plant issues.

Some further amendments may be tabled **by today, 9th April**. The rules for tabling amendments are stricter at this stage (either 40 MEPs, or a committee or a political group).

As far as we are informed, if there are new amendments to be tabled, they would be very few.

They could deal with:

- defining some criteria for exempting SMEs from the scope of the fee. If this amendment is tabled, it would be in very large terms, giving the possibility to the Commission (COM) to define more precise criteria.
- exemption of the primary production from the scope of the fee. The aim would be here to avoid any overlapping with the requirement dealing with cross-compliance in the CAP Regulation.

We are waiting for the confirmation.

Please find also hereafter a table highlighting the different issues by themes and making the reference to the relevant amendments.

Key points

- ❖ Generally speaking, the report looks good in terms of balancing the right for FBOs (right of appeal, second sample, taking private schemes into account, etc.).
 - ⇒ **Amendments 10, 40, 69, 75 to be supported**
- ❖ Regarding financing, the report specifies this should be obtained either by charging operators part of the direct costs related to official controls costs, or via the national general budget (tax revenue), therefore, leaving it open to MS to decide how they want to finance the system and moving away from the full cost recovery as proposed by COM. The list of costs to be covered has been shortened. They suggest that the “flat rate system” be deleted.
 - ⇒ We can give a **favourable general opinion** on these amendments but the negotiation with Member states will be key here
- ❖ In addition, the exemptions for micro-companies and primary production have been removed.
 - ⇒ **Amendment 197 must be supported**
- ❖ Concerning Article 15, the EP is proposing *status quo* (delegations of tasks to plant staff only for poultry and lagomorphs). Nevertheless, amendments n° 29 a (new) and 58 are worrying and look inconsistent with the possibility of delegating some tasks to plant staff.
 - ⇒ **Amendments 29 a (new) and 58 must be rejected**

The points highlighted in **green** are the amendments to be supported.

The points highlighted in **yellow** are the ones good to notice and/or requiring further look into.

The points highlighted in **red** are the amendments to be rejected.

The points in **pink** are the amendments for which the recommendation is to be rejected, but either it can be expected that other parties than UECBV (like the member states or the Commission) will act for this rejection or there is no clear position within the UECBV.

Recommendations for vote on MEP Pirillo's draft report

	Justifications	To vote in favour	To be rejected
Right of appeal	The right of appeal is a democratic tool enhancing fairness. All operators should have access to it.	Amendment 10, 40	
Independence of controls	The independence of controls is very important, but the word "public" is too restrictive. It is up to MS to find the best solution to ensure the independence of the authorities.	Amendments 125, 126, 127, 128	Amendment 8 Amendment 29 a (new) Amendment 58 1 (b), 2 (a), 3 (deletion of the COM proposal)
Article 2	There are important definitions.	Amendment 30 <i>Official controls</i> (the new definition includes controls of products from third countries to be exported to third countries) Amendment 43 – <i>delegated body</i> Amendment 45 <i>Equivalence</i> Amendment 48 <i>Transshipment</i> Amendment 50 <i>Official auxiliary</i>	

Recital 26 - Article 7: Confidentiality information made available to the public	This is a consolidated amendment agreed between the main parties	Amendment 60	
Article 8: general rules of official controls; frequency of controls	<ul style="list-style-type: none"> ✓ The quality insurance schemes, when used by operators, should be taken into account when assessing the risks. Operators are controlled also for this within the scheme ✓ Regarding the frequency of controls, delegated act for establishing at EU level a minimum frequency for each product 	<p>Amendment 69 (take into account private assurance schemes)</p> <p>Amendment 64: Reinforcing the fight against fraud</p> <p>Amendment 71: Do we agree or do we consider that according to the risk-based approach there is no need for minimum frequency?</p>	<p>Amendment 63 The notion of wholesomeness has been introduced as a criterion to be unfit for human consumption</p> <p>Amendment 68 <i>"consumer expectations regarding nature, quality and composition of foods and goods"</i> to be taken into account when assessing the frequency of official controls needed</p>
Article 8&5: minimising burden for operator	This is an important point for cutting red tape	Amendment 75	
Article 8&7	Declaration of animals or goods coming from another MS		Amendment 76
Transparency Article 10	The transparency principle is good, but it must be well framed to avoid negative consequences unduly caused	<p>Amendments 82 : yearly publication</p> <p>Amendment 83: EU approach for the publication (format)</p>	
Article 10: rating system	If rating systems are put in place, it is good that they can be comparable among MS	Amendment 85: EU approach to be comparable	
Article 14 obligations for operators	<ul style="list-style-type: none"> - Importance for flexibility and consistency - The relevance of document is important 	Amendments 91 & 93: traceability requirement	

Article 15 Including delegation of tasks to plant staff	Consolidated amendment agreed between main political parties	Very sensitive issue at EP level – better to resolve it with the MS at Council level See in particular point 1 a (b) and 1 b	
Article 33 § 6	Second expert opinion: the sample size is essential to have an effective right	Amendment 133	Amendment 134 - to develop method for tracing material from cloned animals and their descendants Amendment 136 : operators shall bear the costs of the expert opinion
Financial aspects - Fees From 191 to 199			
Exemption micro-companies	UECBV is against any exemption . The Regulation applies to all food business operators; then, all food business operators must be concerned by the financing under the same approach. If everyone is paying, the level will be very low and it is good to ensure that everyone is facing its responsibilities as an “FBO”, even if it is a symbolic amount. Then, exemptions for primary producers, organic farming and very small plants must be rejected	Remove exemption micro-companies: Amendment 197	Nevertheless, it is still possible that some MEPs would table an amendment by 9 th April to reintroduce this exemption in general terms However, at Council level, a large majority of MS seem against this exemption

Exemption primary sector from fees	UECBV is against any exemption . The Regulation applies to all food business operators; then, all food business operators must be concerned by the financing under the same approach		It may be possible that an amendment would be tabled again on this in order to ensure that farmers would not have to pay twice, as they already have to pay official controls under a CAP Regulation.
Animal Welfare			
		Amendments 104, 105, 106, 107, 109	

II. State of play on the procedure at Council level

In parallel, the Council started to work also on its common position but, on its side, nothing should be decided before the Italian/Latvian Presidency.

- At Council level, the technical review is not yet totally over. Around 30 articles and the annexes are still missing. The redrafting stage is still in a starting process. It is expected that the first articles (with the scope) need more time to be discussed.
- Regarding the financing part, the revised text by the Greek Presidency will not exclude micro-enterprises from the scope of the financing, as 22 MS expressed themselves against the exclusion of micro-enterprises during Working Party meetings. Some MS expressed themselves in favour of full subsidiarity, but the Greek Presidency does not seem to be inclined to follow that path and would favour a minimum of harmonisation on this issue throughout the EU. Full subsidiarity could leave the door open to MS for any system (i.e. public funds, costs sharing with their own national method of calculation etc.). Several MS expressed themselves in favour of some cost-sharing system with guidelines at EU level. The Greek Presidency seemed to be inclined to favour this option as a possible compromise at Council level. Only one MS expressed itself in favour of the controls to be financed exclusively through public budget, to guarantee the independence of controls.

As you were informed (*see mailing 3787 of 21st March*), the Greek Presidency circulated a questionnaire to the MS on the financing part. The deadline for answering has been extended until this week. For the time being, 15-16 MS replied. The Greek Presidency hopes to be able to present the preliminary analysis of the questionnaire at the meeting on 5th-6th May. A first draft of “redrafted articles” could be ready in June, at the earliest.

The Greek Presidency is willing to receive proposals from the MS which found a well-working system. They received proposals from Italy and UK.

Regarding the EP calendar, two elements could slow down the procedure:

- If the next Parliament decides not to endorse what the current Parliament is doing. In that case, the procedure would start again from the beginning.
- If Mr Pirillo is not re-elected as a rapporteur.