



**Proposal for a draft Regulation on official controls and other official activities**

COM(2013) 265 final

**FVE Comments**

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**Introduction**

The Commission proposal 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, has been published on 6 May 2013. The legislative proposal is part of a comprehensive package, which includes the animal health law, the plant health and plant reproductive material and aims to modernise and integrate the system of official controls.

The proposal revises the legislation on official controls to overcome shortcomings identified<sup>1</sup> and aims to put in place a robust and transparent regulatory framework. The proposal replaces and repeals the Regulation (EC) No 882/2004 and the Regulation 854/2004/EC laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption. It also replaces and repeals a number of sectoral acts and provisions.

FVE welcome the Commission efforts to streamline the current body of EU agri-food chain legislation proposing a package of 5 key Regulations. FVE appreciates the aim to reduce the red-tape on processes, the burden on the food chain players (competent authorities, producers, processors and distributors) and to make easier for them to carry out their professional responsibilities.

**President**

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<sup>1</sup> [http://ec.europa.eu/dgs/health\\_consumer/pressroom/docs/official-controls-ia\\_en.pdf](http://ec.europa.eu/dgs/health_consumer/pressroom/docs/official-controls-ia_en.pdf)

## **FVE WISH TO DRAW SPECIFIC ATTENTION TO:**

### **1. Scope of the Regulation**

FVE Recommendation: The subject matter and scope of the Regulation shall include products of animal origin (Art. 1).

### **2. Veterinary services**

FVE recognises that effective veterinary services are a public good.

FVE Recommendation: Reference to Veterinary services needed. Veterinary services are a fundamental part of the competent authorities and as defined in the OIE Terrestrial and Aquatic Code <sup>2</sup> are key and independent services in the delivery of official controls (whereas (21), Art. 2).

### **3. Quality of official controls**

FVE recognises that for the performance of official controls “*Member States should designate competent authorities which act in the public interest, are appropriately resourced and equipped, and offer guarantees of impartiality and professionalism*”.

FVE Recommendation: Competent authorities should ensure the independence, the quality, consistency and effectiveness of official controls (Whereas (23), Art. 2).

### **4. Other official activities**

FVE Recommendation: To define “other official activities” and make a cross reference to art. 13 laid down in the Animal Health Law.

### **5. Official attestation**

FVE Recommendation: to clarify what is meant by “official attestation” and who would be in charge of its issuance. Official attestation must be considered as something different from an official certification. (Art. 2, Definition n. 25, Art. 85-90).

### **6. Verification by official veterinarian**

Article 15

FVE Recommendation: the wording should reflect the text already in force in Regulation 854/2004/EC.

### **7. Delegated bodies and specific official control tasks**

Art 25 refers to the delegation by the Competent Authorities of “specific official tasks” to one or more delegated bodies or natural persons.

FVE Recommendation: To define specific official control tasks and to ensure that delegated bodies and/or natural persons are independent and in the absence of any kind of conflict of interest while delivering specific official tasks (Art. 25).

### **8. Border control posts**

FVE Recommendation: To define what is meant by ‘*under the supervision of a veterinarian*’ (article 2 definition n. 25, 39, 41, 47, 53, 66).

### **9. Microenterprises**

FVE recognises that the majority of enterprises across EU are microenterprises.

FVE Recommendation: Fees should be collected from all enterprises; a less burdensome fee system should be applicable for microenterprises (Art. 82).

## 10. Repealing of Reg. 854/2004/EC

The repealing of Regulation 854/2004 put at risk the enforcement requirements which are the key tasks for Official veterinarians.

FVE Recommendation: to define timeline, procedure for the re adoption of the Annexes of Reg. 854/2004/EC (Article 142).

## 11. Delegated Acts

FVE has a great concern over what role stakeholders can play in the drafting of the enormous amount of Delegated Acts.

FVE Recommendation: the drafting and adoption of delegatd acts by the European Commission must ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and the Council. Appropriate and transparent consultations must be carried well in advance, in particular with experts from competent authorities and European professional associations.

### Specific comments

Whereas	Specific comments and suggestions
(21) Competent authorities should be designated by the Member States in all the areas falling within the scope of this Regulation. While Member States are best placed to decide which competent authority or authorities to designate for each area, and at which level of the administration, they should also be required to designate a single authority that in each area ensures appropriately coordinated communication with other Member States' competent authorities and with the Commission.	<p>Comment</p> <p>The Regulation should made reference to national Veterinary services, which are a fundamental component of the Competent Authority as far as the animal health, animal welfare and safety of products of animal origin are concerned.</p> <p>National Veterinary Services play a fundamental role in ensuring governance on animal health, animal welfare, public health and environment protection across Europe. Member States should ensure the access to adequate financial, infrastructural and personnel resources throughout their territories, including laboratory facilities.</p> <p>So far, the Food and Veterinary Office audits and inspection results have revealed several weaknesses on these points which should be taken into account in this Regulation.</p> <p><i>“The National Veterinary services include official veterinarians assisted by veterinarians working in private sector. The Veterinary services are crucial for the prevention, early detection and control of animal diseases, including those transmissible to humans (zoonoses). They play an essential role in all countries and are in the forefront when it comes to ensuring animal health, food security and food safety, thereby helping to protect public health (reference: OIE)<sup>3</sup></i></p>
(24) The correct application and enforcement of the rules falling within the scope of this Regulation requires appropriate knowledge of both such rules and the rules of this Regulation. It is therefore important that the staff performing official controls and other official activities is regularly trained on the applicable	(24) The correct application and enforcement of the rules falling within the scope of this Regulation requires appropriate knowledge of both such rules and the rules of this Regulation. It is therefore important that <del>the staff</del> <u>qualified officials and officers</u> -performing official controls and other official activities <u>are</u> <del>is</del> regularly trained on the

<sup>3</sup> <http://www.oie.int/index.php?id=169&L=0&htmfile=glossaire.htm>

<http://www.oie.int/index.php?id=171&L=0&htmfile=glossaire.htm>

legislation, according to their area of competence, as well as on the obligations resulting from this Regulation.	applicable legislation, according to their area of competence, as well as on the obligations resulting from this Regulation
<p style="text-align: center;"><a href="#">Comment</a></p> <p>The word “<i>staff</i>” looks generic and allows confusion.</p> <p>Official controls on veterinary matters must be carried out by Official veterinarians employed or appointed by Veterinary services. Correct application and enforcement of the rules are the key tasks of the official veterinarians. Veterinary profession is a regulated and liberal profession; veterinarians hold a qualification and are licensed to practice by Regulatory/Statutory Bodies. Their education, knowledge skills and competences lay down in the Dir. 2005/36/EC (Art 38). In addition official veterinarians hold a specific expertise allowing them to carry out audits and inspections (Reg. 854/2004/EC, Annex I, Sect. III, Chapt. IV, professional qualifications).</p> <p>FVE strongly recommends maintaining or the readoption of Annex I, Section III, and Chapter IV of the Reg. 854/2004/EC providing that Member States ensure that official veterinarians and official auxiliaries are qualified and undergo that specific training.</p>	

<b>Title I</b> <b>Subject matter, scope and definitions</b>	<b>Title I</b> <b>Subject matter, scope and definitions</b>
<p style="text-align: center;"><i>Article 1</i> <i>Subject matter and scope.</i></p> <p>1. This Regulation lays down rules for:...</p> <p>2. This Regulation shall apply to the official controls performed for the verification of compliance with the following rules, whether established at Union level or by the Member States to apply Union legislation in those areas:</p> <p>(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;</p> <p>(b) governing the deliberate release into the environment and the contained use of GMOs;</p> <p>(c) governing feed and feed safety, at all stages of production, processing and distribution of feed and the use of feed, including rules aimed at guaranteeing fair practices in trade and protecting consumer interests and information;</p> <p>(d) laying down animal health requirements;</p> <p>(e) aiming at preventing and minimising risks to human and animal health arising from animal by-products and derived products;</p> <p>(f) laying down welfare requirements for animals;</p> <p>(g) on protective measures against pests of plants;</p> <p>(h) on the production, with a view to placing on the market, and placing on the market of plant reproductive material;</p> <p>(i) laying down requirements for the placing on the market and use of plant protection products and the sustainable use of pesticides;</p> <p>(j) governing organic production and labelling of organic products</p>	<p style="text-align: center;"><i>Article 1</i> <i>Subject matter and scope</i></p> <p>1. This Regulation lays down rules for:...</p> <p>2. This Regulation shall apply to the official controls performed for the verification of compliance with the following rules, whether established at Union level or by the Member States to apply Union legislation in those areas:</p> <p>(a) <a href="#">safety of products of animal origin</a>;</p> <p>(b) 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;</p> <p>(c) governing the deliberate release into the environment and the contained use of GMOs;</p> <p>(d) governing feed and feed safety, at all stages of production, processing and distribution of feed and the use of feed, including rules aimed at guaranteeing fair practices in trade and protecting consumer interests and information;</p> <p>(e) laying down animal health requirements;</p> <p>(f) aiming at preventing and minimising risks to human and animal health arising from animal by-products and derived products;</p> <p>(g) laying down welfare requirements for animals;</p> <p>(h) on protective measures against pests of plants;</p> <p>(i) on the production, with a view to placing on the market, and placing on the market of plant reproductive material;</p> <p>(j) laying down requirements for the placing on the market and use of plant protection products and the sustainable use of pesticides;</p> <p>(k) governing organic production and labelling of organic</p>

	products
<p>Justification</p> <p>FVE notes that whereas 45, 68, 73, Art. 2 definition n.17, Art. 15,17,45, make reference to products of animal origin (as defined in point 8.1 of Annex I to Regulation (EC) No 853/2004 ) while Art. 1 of the present legislative proposal does not.</p> <p>Therefore, the scope of the Regulation must be extended to the area <u>governing products of animal origin and their safety</u>.</p> <p>According to the <u>EU legislative framework</u> products of animal origin are:  aquaculture products, fresh meat, game meat, poultry meat, meat products, meat preparations, meat products, minced meat, other' meat products covered (meat extracts; meat powder; meat meals; rendered animal fat; greaves; treated animal casings; stomachs, bladders and intestines), milk &amp; milk products, other products of animal origin (eggs, honey and royal jelly, snails, frogs' legs, blood and blood products, bone, animal casing, lard and rendered fat, gelatine).</p>	



<i>Article 3</i> <i>Designation of competent authorities</i>	<i>Article 3</i> <i>Designation of competent authorities</i>
<p><a href="#">Comment</a></p> <p>Reference in the text to veterinary services shall be made (see comment given above on whereas 21)</p>	
<b>Chapter II</b> <b>Official Controls</b>	<b>Chapter II</b> <b>Official Controls</b>
<i>Article 10</i> <i>Transparency of official controls</i>	<i>Article 10</i> <i>Transparency of official controls</i>
<p><a href="#">Comment</a></p> <p>FVE doesn't see the need to have a uniform format for publishing the result of official controls. Member States can decide how to publish.</p>	

<p style="text-align: center;"><i>Article 15</i> <i>Specific rules on official controls and on action to be taken by the competent authorities in relation to the production of products of animal origin intended for human consumption</i></p> <p>1. Official controls on the production of meat shall include:</p> <ul style="list-style-type: none"> <li>a) the verification, by or under the responsibility of an official veterinarian, of the health and welfare of the animals prior to the slaughter;</li> <li>b) official controls, by or under the responsibility of an official veterinarian, in slaughterhouses, cutting plants and game handling establishments, to verify compliance with the requirements applicable to: <ul style="list-style-type: none"> <li>(i) the hygiene of meat production;</li> <li>(ii) the presence of residues of veterinary medicinal products in products of animal origin intended for human consumption;</li> <li>(iii) the handling and disposal of animal by-products and of specified risk material;</li> <li>(iv) the health and welfare of the animals.</li> </ul> </li> </ul> <p>2. The Commission shall be empowered to adopt delegated acts in accordance with Article 139 concerning specific rules for the performance of official controls on products of animal origin intended for human consumption and on animals intended for the production of such products to verify compliance with the rules referred to in points (a), (c), (d) and (e) of Article 1(2) applicable to those products and animals, and on action to be taken by the competent authorities following official controls. Those delegated acts shall lay down rules on:</p> <ul style="list-style-type: none"> <li>a) the specific responsibilities and tasks of the competent authorities, in addition to those provided for in paragraph 1 and in Articles 4, 8, 9, 10(1), 11, 12, 13, 34(1) and (2), and 36;</li> <li>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 product of animal origin and the different processes it undergoes;</li> <li>c) the cases where and the conditions under which slaughterhouse staff may be involved in official controls, and the design and application of tests to assess their performance;</li> <li>(d) the cases where the competent authorities in relation to specific non compliances are to</li> </ul>	<p style="text-align: center;"><i>Article 15</i> <i>Specific rules on official controls and on action to be taken by the competent authorities in relation to the production of products of animal origin intended for human consumption</i></p> <p>1. Official controls on the production <u>of meat and of products of animal origin</u> shall include:</p> <ul style="list-style-type: none"> <li>a) the verification, <u>by an official veterinarian</u>, of the health and welfare of the animals prior to <u>any the processing procedure and</u> slaughter;</li> <li>b) official controls, by or under the responsibility of an official veterinarian, in <u>processing plants</u>, slaughterhouses, cutting plants and game handling establishments, to verify compliance with the requirements applicable to: <ul style="list-style-type: none"> <li><u>I. the safety and hygiene of products of animal origin;</u></li> <li><del>II.</del> <u>the safety and hygiene of</u> meat production;</li> <li><del>III.</del> <u>the presence of residues of veterinary medicinal products in products of animal origin intended for human consumption;</u></li> <li><del>IV.</del> <u>the handling and disposal of animal by-products and of specified risk material;</u></li> <li><del>V.</del> <u>the health and welfare of the animals</u></li> </ul> </li> </ul> <p>2. The Commission shall be empowered to adopt delegated acts in accordance with Article 139 concerning specific rules for the performance of official controls on products of animal origin intended for human consumption and on animals intended for the production of such products to verify compliance with the rules referred to in points (a), (c), (d) and (e) of Article 1(2) applicable to those products and animals, and on action to be taken by the competent authorities following official controls. Those delegated acts shall lay down rules on:</p> <ul style="list-style-type: none"> <li>a) the specific responsibilities and tasks of the competent authorities, in addition to those provided for in paragraph 1 and in Articles 4, 8, 9, 10(1), 11, 12, 13, 34(1) and (2), and 36;</li> <li>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 product of animal origin and the different processes it undergoes;</li> <li>c) the cases where and the conditions under which slaughterhouse staff may be involved</li> </ul>
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<p>take one or more of the measures referred to in Article 135(2) or additional measures to those provided for in that paragraph;</p> <p>(e) criteria to determine when, on the basis of a risk analysis, the official veterinarian is not required to be present in slaughterhouses and game handling establishments during the official controls referred to in paragraph 1</p>	<p>in official controls, and the design and application of tests to assess their performance;</p> <p>(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;</p> <p><del>(e) (e) criteria to determine when, on the basis of a risk analysis, the official veterinarian is not required to be present in slaughterhouses and game handling establishments during the official controls referred to in paragraph 1</del></p>
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Comment

FVE ask for clarification on the reason why only meat has been taken into account in art. 15.

Justification

Official controls on the production of meat and of any product of animal origin must include the verification by an official veterinarian of the health and welfare of the animals prior to any processing.

FVE ask for the re adoption of all of the Annexes of Reg. 854/2004/EC related to the delivery of official controls on products of animal origin.

In addition, with regard to the drafting and adoption of delegated acts by the European Commission this must be accompanied by a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and the Council. Appropriate and transparent consultations well in advance, in particular with experts from competent authorities and European professional associations must also be guaranteed.

<p><b>Chapter III</b> <b>Delegation of specific tasks of the competent authorities</b></p>	<p><b>Chapter III</b> <b>Delegation of specific tasks of the competent authorities</b></p>
<p><i>Article 25</i> <i>Delegation by the competent authorities of specific official control tasks</i></p>	<p><i>Article 25</i> <i>Delegation by the competent authorities of specific official control tasks</i></p>

Comment

Delegated bodies and natural persons must prove and ensure their independence and the absence of any kind of conflict of interest while delivering these tasks.

FVE is of the opinion that only marginal and specific controls can be delegated to such bodies and natural persons according to the system in place in each Member State. Art 25, 26, 27 must be taken this into consideration.

<p><b>CHAPTER V</b> <b>OFFICIAL CONTROLS ON ANIMALS AND GOODS ENTERING THE UNION</b></p> <p><b>SECTION I</b> <b>ANIMALS AND GOODS NOT SUBJECT TO SPECIFIC OFFICIAL CONTROLS AT BORDERS</b></p> <p><i>Article 42</i> <i>Official controls on animals and goods not subject to specific official controls at borders</i></p>	<p><b>CHAPTER V</b> <b>OFFICIAL CONTROLS ON ANIMALS AND GOODS ENTERING THE UNION</b></p> <p><b>SECTION I</b> <b>ANIMALS AND GOODS NOT SUBJECT TO SPECIFIC OFFICIAL CONTROLS AT BORDERS</b></p> <p><i>Article 42</i> <i>Official controls on animals and goods not subject to specific official controls at borders</i></p>
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Comment

Definition of “*specific official controls*” necessary.

This article requires further explanation with regard to those animals and goods not subject to *specific official controls* such as cross borders companion animals, commercial samples or samples for further research and analysis, feed not containing tissues derived from animals.

**POLISH DELEGATION REQUIRES EXPLANATION AND CLARIFICATION ON THE MEANING ON SPECIFIC OFFICIAL CONTROLS**

**OFFICIAL CONTROLS AT BORDER CONTROL POSTS ON ANIMALS AND GOODS**

*Article 45*

*Animals and goods subject to official controls at border control posts*

1. To ascertain compliance with the rules referred to in Article 1(2), the competent authorities shall perform official controls, at the border control post of first arrival to the Union, on each consignment of the following categories of animals and goods entering the Union from third countries:
  - a) animals;
  - b) products of animal origin, germinal products and animal by-products;
  - c) plants, plant products, and other objects and materials capable of harbouring or spreading pests of plants as referred to in the lists established pursuant to Articles 68(1) and 69(1) of Regulation (EU) No XXX/XXXX *[Office of Publications, please insert number of the Regulation on protective measures against pests of plants]*;
  - d) goods originating from certain third countries for which the Commission has decided, by means of implementing acts provided for in point (b) of paragraph 2, that a measure requiring a temporary increase of official controls at their entry into the Union is necessary due to a known or emerging risk or because there is evidence that widespread serious non-compliance with the rules referred to in Article 1(2) might be taking place;
  - e) animals and goods which are subject to an emergency measure provided for in acts adopted in accordance with Article 53 of Regulation (EC) No 178/2002, Article 249 of Regulation (EU) No XXX/XXXX *[Office of Publications, please insert number of the Regulation on animal health]*, or Articles 27(1), 29(1), 40(2), 41(2), 47(1), 49(2) and 50(2) of Regulation (EU) No XXX/XXXX *[Office of Publications, please insert number of the Regulation on protective measures against pests of plants]* requiring consignments of those animals or goods, identified by means of their codes from the Combined Nomenclature, to be subject to official controls at their entry into the Union;
  - f) animals and goods in relation to whose entry into the Union conditions or measures have been established by acts adopted in accordance with Articles 125 or 127 respectively, or with the rules referred to in

**OFFICIAL CONTROLS AT BORDER CONTROL POSTS ON ANIMALS AND GOODS**

*Article 45*

*Animals and goods subject to official controls at border control posts*

1. To ascertain compliance with the rules referred to in Article 1(2), the competent authorities shall perform official controls, at the border control post of first arrival to the Union, on each consignment of the following categories of animals and goods entering the Union from third countries:
  - a. animals;
  - b. products of animal origin, germinal products and animal by-products, [the products under the scope of Regulation \( EC\) No 1069/ 2009 of 21 October 2009 laying down health rules concerning animal by-products not intended for human consumption and repealing Regulation \( EC\) No. 1774/2002 \(Regulation on animal by-products \) \(OJ . EU L 300 , 14.11.2009 , p.1, as amended;](#)
  - c. plants, plant products, and other objects and materials capable of harbouring or spreading pests of plants as referred to in the lists established pursuant to Articles 68(1) and 69(1) of Regulation (EU) No XXX/XXXX *[Office of Publications, please insert number of the Regulation on protective measures against pests of plants]*;
    - a. goods originating from certain third countries for which the Commission has decided, by means of implementing acts provided for in point (b) of paragraph 2, that a measure requiring a temporary increase of official controls at their entry into the Union is necessary due to a known or emerging risk or because there is evidence that widespread serious non-compliance with the rules referred to in Article 1(2) might be taking place;
    - b. animals and goods which are subject to an emergency measure provided for in acts adopted in accordance with Article 53 of Regulation (EC) No 178/2002, Article 249 of Regulation (EU) No XXX/XXXX *[Office of Publications, please insert number of the Regulation on animal health]*, or Articles 27(1), 29(1),

<p>Article 1(2), which require that compliance with those conditions or measures be ascertained at the entry of the animals or goods into the Union.</p>	<p>40(2), 41(2), 47(1), 49(2) and 50(2) of Regulation (EU) No XXX/XXXX [Office of Publications, please insert number of the Regulation on protective measures against pests of plants] requiring consignments of those animals or goods, identified by means of their codes from the Combined Nomenclature, to be subject to official controls at their entry into the Union;</p> <p><u>c.</u> animals and goods in relation to whose entry into the Union conditions or measures have been established by acts adopted in accordance with Articles 125 or 127 respectively, or with the rules referred to in Article 1(2), which require that compliance with those conditions or measures be ascertained at the entry of the animals or goods into the Union.</p> <p><u>e-d.</u> <a href="#">Animal feed</a></p>
<p style="text-align: center;"><b>Justification</b></p>	
<p><a href="#">Animal feed</a> refers to food given to the animals or plant material (mainly plant leaves and stems) eaten by livestock. It must be subject to official controls at border control posts.</p>	
<p style="text-align: center;"><i>Article 46</i> <i>Animals and goods exempted from official controls at border control posts</i></p> <p>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 following categories of animals and goods are exempted from the provisions of Article 45:</p> <p>(a) goods sent as commercial or trade samples or as display items for exhibitions, which are not intended to be placed on the market;</p> <p>(b) animals and goods intended for scientific purposes;</p> <p>(c) goods on board means of transport operating internationally which are not unloaded and are intended for consumption by the crew and passengers;</p> <p>(d) goods which form part of passengers personal luggage and are intended for personal consumption;</p> <p>(e) small consignments of goods sent to natural persons which are not intended to be placed on the market;</p> <p>(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];</p> <p>(g) goods which have undergone heat treatment and do not exceed quantities to be defined in those delegated acts;</p> <p>(h) any other category of animals or goods for which controls at border control posts are not necessary given the risks they pose.</p>	<p style="text-align: center;"><i>Article 46</i> <i>Animals and goods exempted from official controls at border control posts</i></p> <p>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 following categories of animals and goods are exempted from the provisions of Article 45:</p> <p><del>-(a) goods sent as commercial or trade samples or as display items for exhibitions, which are not intended to be placed on the market;</del></p> <p><del>(b) animals and goods intended for scientific purposes;</del></p> <p>(c) goods on board means of transport operating internationally which are not unloaded and are intended for consumption by the crew and passengers;</p> <p>(d) goods which form part of passengers personal luggage and are intended for personal consumption;</p> <p>(e) small consignments of goods sent to natural persons which are not intended to be placed on the market;</p> <p>(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];</p> <p>(g) goods which have undergone heat treatment and do not exceed quantities to be defined in those delegated acts;</p> <p>(h) any other category of animals or goods for which controls at border control posts are not necessary given the risks they pose.</p>
<p style="text-align: center;"><b>Justification</b></p>	
<p><a href="#">Commercial samples and display items for exhibition</a> are subject to veterinary border inspection posts in accordance with the provisions of EC Regulation 142/2011, therefore <a href="#">this requirement must be maintained</a>.</p>	

Control at the border inspection post of animals for scientific purposes must be maintained.  
Excluding these animals might endanger animal health and welfare. The import requirements / certificates must be controlled.

<p style="text-align: center;"><i>Article 47</i> <i>Official controls at border control posts</i></p> <ol style="list-style-type: none"> <li>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.</li> <li>2. All consignments of the categories of animals and goods referred to in Article 45(1) shall be subject to documentary and identity checks.</li> <li>3. Physical checks shall be performed on consignments of the categories of animals and goods referred to in Article 45(1) at a frequency dependent on the risk posed by each animal, good or category of animals or goods to human, animal or plant health, animal welfare or, as regards GMOs and plant protection products, to the environment.</li> <li>4. Physical checks to verify compliance with animal health and welfare requirements or with plant health requirements laid down in the rules referred to in Article 1(2) shall be performed by, or under the supervision of, staff possessing appropriate qualifications in veterinary or phytosanitary matters respectively, designated by the competent authorities for that purpose.</li> </ol> <p>Where such checks are performed on animals they shall be carried out by an official veterinarian or under his supervision.</p> <ol style="list-style-type: none"> <li>5. The competent authorities at border control posts shall systematically perform official controls on consignments of animals being transported and on means of transport to verify compliance with the animal welfare requirements laid down in the rules referred to in Article 1(2). Arrangements shall be put in place by competent authorities to give priority to official controls on animals being transported and to reduce delays on such controls.</li> <li>6. The Commission may, by means of implementing acts establish the modalities of presentation of consignments of the categories of goods referred to in Article 45(1), the sub-entities which can constitute an individual consignment and the maximum number of such sub-entities in each consignment, taking into account the need to guarantee the rapid and efficient handling of the consignments and the official controls to be performed by the competent authorities.</li> </ol> <p>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 141(2).</p>	<p style="text-align: center;"><i>Article 47</i> <i>Official controls at border control posts</i></p> <ol style="list-style-type: none"> <li>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.</li> <li>2. All consignments of the categories of animals and goods referred to in Article 45(1) shall be subject to documentary and identity checks.</li> <li>3. Physical checks shall be performed on consignments of the categories of animals and goods referred to in Article 45(1) at a frequency dependent on the risk posed by each animal, good or category of animals or goods to human, animal or plant health, animal welfare or, as regards GMOs and plant protection products, to the environment.</li> <li>4. Physical checks to verify compliance with animal health and welfare requirements, <a href="#">products of animal origin requirements, public health requirements</a> or with plant health requirements laid down in the rules referred to in Article 1(2) shall be performed by, staff possessing appropriate qualifications in veterinary or phytosanitary matters respectively, designated by the competent authorities for that purpose.</li> </ol> <p>Where such checks are performed on animals they shall be carried out by an official veterinarian <del>or under his supervision.</del></p> <ol style="list-style-type: none"> <li>5. The competent authorities at border control posts shall systematically perform official controls on consignments of animals being transported and on means of transport to verify compliance with the animal welfare requirements laid down in the rules referred to in Article 1(2). Arrangements shall be put in place by competent authorities to give priority to official controls on animals being transported and to reduce delays on such controls.</li> <li>6. The Commission may, by means of implementing acts establish the modalities of presentation of consignments of the categories of goods referred to in Article 45(1), the sub-entities which can constitute an individual consignment and the maximum number of such sub-entities in each consignment, taking into account the need to guarantee the rapid and efficient handling of the consignments and the official controls to be performed by the competent authorities.</li> </ol> <p>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 141(2)</p>
<p style="text-align: center;"><a href="#">Justification</a></p> <p><a href="#">Official veterinarians hold the right education ad qualification to carry out official controls. FVE strongly</a></p>	

<p>recommends the readoption of Annex I, Section III, and Chapter IV of the Reg. 854/2004/EC providing that Member States ensure that official veterinarians and official auxiliaries are qualified and undergo that specific training. Consistency needed with Art. 45.</p> <p>Official controls at border control posts on products of animal origin shall be carried out by or under the responsibility of an official veterinarian.</p> <p>The word “<i>staff</i>” looks generic and allows confusion. Official controls on veterinary matters (animal health and welfare, products of animal origin and the rules referred to in Art. 1 (2)) shall be carried out by official veterinarians employed or appointed by the veterinary services within the competent authorities.</p> <p>Official controls on consignments of animals being transported and on means of transport to verify compliance with the animal welfare requirements laid down in the rules referred to in Article 1(2) shall be carried out on consignments entering and leaving the EU. Procedure for the checks of transit of animals shall be taken into account.</p>
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<p><i>Article 48</i> <i>Certificates and documents accompanying consignments and split consignments</i></p> <p>1. The original official certificates or documents, or electronic equivalents, which are required by the rules referred to in Article 1(2) to accompany consignments of the categories of animals and goods referred in Article 45(1) shall be presented to, and kept by, the competent authorities of the border control post</p>	<p><i>Article 48</i> <i>Certificates and documents accompanying consignments and split consignments</i></p> <p>1. The original official certificates or documents, or electronic equivalents, which are required by the rules referred to in Article 1(2) to accompany consignments of the categories of animals and goods referred in Article 45(1) shall be presented to, and kept by, the competent authorities of the border control post and by <a href="#">the officer responsible for the consignment</a>.</p>
<p>Comment</p> <p>Detailed conditions for the storage of electronic equivalents of health certificates shall be established The Commission shall adopt implementing acts in this regard laying down rules on the acceptance, inspection and storage of “<i>electronic equivalent</i>” of health certificates.</p>	

<p style="text-align: center;"><i>Article 51</i> <i>Official controls not performed at border control posts of first arrival</i></p> <p>1. 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:</p> <p>(a) identity and physical checks on consignments of the categories of animals and goods referred to in Article 45(1) may be performed by competent authorities at control points other than border control posts provided that those control points comply with the requirements provided for in Article 62(3) and in the implementing acts adopted in accordance with Article 62(4);</p> <p>(b) physical checks on consignments which have undergone documentary and identity checks at a border control post of first arrival may be performed at another border control post in a different Member State;</p> <p>(c) specific control tasks relating to the following may be attributed by competent authorities to customs authorities or other public authorities:</p> <p>(i) consignments referred to in Article 63(2);</p> <p>(ii) passengers personal luggage;</p> <p>(iii) goods ordered by distance selling.</p> <p>2. Point (b) of Article 54(2), point (a) of Article 55(2) and Articles 57, 58, 60, 61, 62(3) and (4), shall apply to the control points referred to in point (a) of paragraph 1.</p>	<p style="text-align: center;"><i>Article 51</i> <i>Official controls not performed at border control posts of first arrival</i></p> <p>1. 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:</p> <p>(a) identity and physical checks on consignments of the categories of animals and goods referred to in Article 45(1) may be performed by competent authorities at control points other than border control posts provided that those control points comply with the requirements provided for in Article 62(3) and in the implementing acts adopted in accordance with Article 62(4);</p> <p>(b) physical checks on consignments which have undergone documentary and identity checks at a border control post of first arrival may be performed at another border control post in a different Member State;</p> <p>(c) specific control tasks relating to the following may be attributed by <del>competent authorities</del> Member States to customs authorities or other public authorities:</p> <p>(i) consignments referred to in Article 63(2);</p> <p>(ii) passengers personal luggage;</p> <p>(iii) goods ordered by distance selling</p> <p><u>(iv) in case of less than 5 animals accompanying passengers for non-commercial purposes (as laid down in Regulation (EC) 998/2003.</u></p> <p>2. Point (b) of Article 54(2), point (a) of Article 55(2) and Articles 57, 58, 60, 61, 62(3) and (4), shall apply to the control points referred to in point (a) of paragraph 1.</p>
<p style="text-align: center;"><b>Justification</b></p> <p><u>Items not submitted to the required inspections, including animals or goods subject to border checks, are illegal imports and no alternative inspection shall be allowed.</u></p>	

<p style="text-align: center;"><i>Article 53</i> <i>Decisions on consignments</i></p> <p>2. Decision taken following a physical check to verify compliance with animal health and welfare requirements or with plant health requirements shall be taken by staff possessing appropriate qualifications in veterinary or phytosanitary matters respectively, and designated by the competent authority for that purpose.</p> <p>Decisions on consignments of animals shall be taken by an official veterinarian or under his supervision</p>	<p style="text-align: center;"><i>Article 53</i> <i>Decisions on consignments</i></p> <p>2. Decision taken following a physical check to verify compliance with animal health and welfare requirements or with plant health requirements shall be taken by staff possessing appropriate qualifications in veterinary or phytosanitary matters respectively, and designated by the competent authority for that purpose.</p> <p>Decisions on consignments of animals and products of animal origin shall be taken by an official veterinarian. <del>or under his supervision.</del></p>
<p style="text-align: center;"><b>Justification</b></p> <p><u>Decisions taken following veterinary checks shall be subject to veterinary verification.</u></p>	





<p style="text-align: center;"><i>Article 54</i> <i>Use of the Common Health Entry Document by the operator and by the competent authorities</i></p> <p>1. For each consignment of the categories of animals and goods referred to in Article 45(1) the operator responsible for the consignment shall complete a CHED, providing the information necessary for the immediate and complete identification of the consignment and its destination.</p> <p>2. The CHED shall be used:</p> <ul style="list-style-type: none"> <li>a) by the operators responsible for consignments of the categories of animals and goods referred to in Article 45(1) in order to give prior notification to the competent authorities of the border control post of the arrival of those consignments;</li> <li>b) by the competent authorities of the border control post, in order to: <ul style="list-style-type: none"> <li>(i) record the outcome of the official controls performed and any decisions taken on that basis, including the decision to reject a consignment;</li> <li>(ii) communicate the information referred to in point (i) through the TRACES system.</li> </ul> </li> </ul> <p>3. Operators shall give prior notification in accordance with point (a) of paragraph 2 by completing and submitting the relevant part of the CHED into the TRACES system for transmission to the competent authorities of the border control post prior to the physical arrival of the consignment into the Union.</p> <p>4. The competent authorities of the border control post shall finalise the CHED as soon as:</p> <ul style="list-style-type: none"> <li>(a) all official controls required by Article 47(1) have been performed;</li> </ul>	<p style="text-align: center;"><i>Article 54</i> <i>Use of the Common Health Entry Document by the operator and by the competent authorities</i></p> <p>1. For each consignment of the categories of animals and goods referred to in Article 45(1) the operator responsible for the consignment shall complete a CHED, providing the information necessary for the immediate and complete identification of the consignment and its destination.</p> <p>2. The CHED shall be used:</p> <ul style="list-style-type: none"> <li>a) by the operators responsible for consignments of the categories of animals and goods referred to in Article 45(1) in order to give prior notification to the competent authorities of the border control post of the arrival of those consignments;</li> <li>b) by the competent authorities of the border control post, in order to: <ul style="list-style-type: none"> <li>(i) record the outcome of the official controls performed and any decisions taken on that basis, including the decision to reject a consignment;</li> <li>(ii) communicate the information referred to in point (i) through the TRACES system.</li> <li><u>(iii) confirmation of the checks and the results of the controls carried out in the transit procedure;</u></li> <li><u>(iv) - confirmation of the checks and description of the results concerning animal health and welfare</u></li> </ul> </li> </ul> <p><u>3. The CHED shall consider local Competent Authority decisions with regard to:</u></p> <ul style="list-style-type: none"> <li><u>(i) - confirmation of audit and of the result of the inspection, the consignment after the arrival to the destination through the appropriate procedure;</u></li> <li><u>(ii) - confirmation of the health and welfare checks of the animals at the staging point;</u></li> <li><u>(iii) - confirmation of audit and description of the result of the inspection on items at the customs warehouse.</u></li> </ul> <p><u>4.3</u> Operators shall give prior notification in accordance with point (a) of paragraph 2 by completing and submitting the relevant part of the CHED into the TRACES system for transmission to the competent authorities of the border control post prior to the physical arrival of the consignment into the Union.</p> <p><u>5.4</u> The competent authorities of the border control post shall finalise the CHED as soon as:</p> <ul style="list-style-type: none"> <li>(a) all official controls required by Article 47(1) have been performed;</li> <li>(b) the results from physical checks, where such checks are required, are available;</li> </ul>
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<p>(b) the results from physical checks, where such checks are required, are available;</p> <p>(c) a decision on the consignment has been taken in accordance with Article 53 and recorded on the CHED.</p>	<p>(c) a decision on the consignment has been taken in accordance with Article 53 and recorded on the CHED.</p>
<p style="text-align: center;"><b>Justification</b></p> <p>Competent authorities' decisions with regard to audit and inspections carried out at borders control posts shall be considered in the CHED completion.</p>	

<p style="text-align: center;"><b>Chapter VI</b> <b>Financing of official controls and other official activities</b></p>	<p style="text-align: center;"><b>Chapter VI</b> <b>Financing of official controls and other official activities</b></p>
<p style="text-align: center;"><i>Article 76</i> <i>General rules</i></p>	<p style="text-align: center;"><i>Article 76</i> <i>General rules</i></p>
<p style="text-align: center;"><b>Comment</b></p> <p>FVE is of the opinion that competent authorities must decide the rules and apply mandatory or partial fees as long as enough resources are allocated to perform official controls. Fee calculations have to be as accurate as possible.</p>	
<p style="text-align: center;"><i>Article 82</i> <i>Fees refunds and exemption for microenterprises</i></p> <p>1. Fees provided for in Article 77 shall not directly or indirectly be refunded, unless unduly collected.</p> <p>2. Enterprises employing fewer than 10 persons and whose annual turnover or annual balance sheet total does not exceed EUR 2 million shall be exempted from the payment of the fees provided for in Article 77.</p> <p>3. The costs referred to in Articles 77, 78 and 79 shall not include those incurred for the performance of official controls on the enterprises referred to in paragraph 2.</p>	<p style="text-align: center;"><i>Article 82</i> <i>Fees refunds and exemption for microenterprises</i></p> <p>1. Fees provided for in Article 77 shall not directly or indirectly be refunded, unless unduly collected.</p> <p>2. <del>Enterprises employing fewer than 10 persons and whose annual turnover or annual balance sheet total does not exceed EUR 2 million shall be exempted from the payment of the fees provided for in Article 77.</del></p> <p>3. The costs referred to in Articles 77, 78 and 79 shall not include those incurred for the performance of official controls on the enterprises referred to in paragraph 2.</p>
<p style="text-align: center;"><b>Justification</b></p> <p>Fees should be collected from all enterprises, including small ones, to avoid side-effects of non-collection from some operators. The proposed definition of microenterprises is not acceptable. Excluding micro enterprises from fees runs counter to the use of a risk based approach combined with bonus-malus system,</p> <p>Using this approach the fees should not prove to be a problem for small enterprises. However, these fees should be affordable for small enterprises and must not represent a burden. As a matter of fact, the reduction of fees for consistently compliant operators (as provided by article 8) could provide a very positive incentive effect for microenterprises that are less often controlled than the largest ones.</p>	

<p><b>Chapter VII</b> <b>Official certification</b></p>	<p><b>Chapter VII</b> <b>Official certification</b></p>
<p><i>Article 85</i> <i>General requirements concerning official certification</i></p> <p>1. In accordance with rules referred to in Article 1(2), official certification shall take the form of:</p> <p>a) official certificates; or,</p> <p>b) official attestations.</p> <p>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</p>	<p><i>Article 85</i> <i>General requirements concerning official certification</i></p> <p>1. In accordance with rules referred to in Article 1(2), official certification shall take the form of:</p> <p>a) official certificates;</p> <p><del>b) official attestations.</del></p> <p>2. Where the competent authorities delegate specific tasks related to the issuance of official certificates to the official supervision referred to in Article 90(1) such delegation shall comply with the provisions of Articles 25 to 32</p>
<p><b>Justification</b></p> <p>FVE note a contradicting definiton of official attestation; official certification of veterinary matters must include the signnatura of an official veterinarian for the reasons already explained above. Art. 86, 87, 90 shall take this into consideration.</p>	
<p><i>Article 90</i> <i>Official attestations</i></p>	<p><i>Article 90</i> <i>Official attestations</i></p>
<p>See comment general comment and the one above</p>	
<p><b>Chapter II</b> <b>Transitional and final provisions</b></p> <p><i>Article 142</i> <i>Repeals</i></p> <p>1. Regulation (EC) No 882/2004, Directives 89/608/EEC and 96/93/EC and Decision 92/438/EEC are repealed as from [Office of Publications, please insert date of entry into force of this Regulation + 1 year].</p> <p>However, Articles 14 to 17 and 26 to 29 of Regulation (EC) No 882/2004 shall continue to apply until [Office of Publications, please insert date of entry into force of this Regulation + 3 years].</p> <p>2. Regulation (EC) No 854/2004 and Directives 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC and 97/78/EC are repealed as from [Office of Publications, please insert date of entry into force of this Regulation + 3 years]..</p>	<p><b>Chapter II</b> <b>Transitional and final provisions</b></p> <p><i>Article 142</i> <i>Repeals</i></p> <p>1. Regulation (EC) No 882/2004, Directives 89/608/EEC and 96/93/EC and Decision 92/438/EEC are repealed as from [Office of Publications, please insert date of entry into force of this Regulation + 1 year].</p> <p>However, Articles 14 to 17 and 26 to 29 of Regulation (EC) No 882/2004 shall continue to apply until [Office of Publications, please insert date of entry into force of this Regulation + 3 years].</p> <p>2. Regulation (EC) No 854/2004 and Directives 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC and 97/78/EC are repealed as from [Office of Publications, please insert date of entry into force of this Regulation + 3 years]..</p>
<p><b>Comment:</b></p> <p>FVE ask that all of the Annexes of the 854/2004/EC be readopted via delegated acts.</p> <p>FVE ask for a proper and timely consultation to be carried out with the European Commission.</p>	