

Brussels, 22 October 2003

OPINION

of the
Committee of the Regions

of 9 October 2003

on the

Proposal for a Regulation of the European Parliament and of the Council on official feed and food controls

(COM(2003) 52 final - 2003/0030 (COD))

THE COMMITTEE OF THE REGIONS,

Having regard to the *Proposal for a Regulation of the European Parliament and of the Council on official feed and food controls* (COM(2003) 52 final - 2003/0030 (COD)),

Having regard to the decision of the Council of 28 February 2003 to consult it on this subject, under Article 152(4) of the Treaty establishing the European Community,

Having regard to the decision of its Bureau of 14 May 2002 to instruct its Commission for Sustainable Development to draw up an opinion on this subject,

Having regard to its opinion on the *Communication from the Commission entitled "White Paper on Food Safety"* (CdR 77/2000 fin¹),

Having regard to its draft opinion (CdR 67/2003 rev. 2) adopted on 12 June 2003 by its Commission for Sustainable Development (rapporteur: **Mr Xavier Desgain**, Member of the Walloon Parliament -B),

Whereas a foodstuffs policy based on a high level of protection for the environment and consumer health is important for the members of the CoR;

adopted the following opinion unanimously at its 51st plenary session on 9 October 2003.

1. Views and recommendations of the Committee of the Regions

The Committee of the Regions

1. **observes** that the aims of the draft regulation tally with the concerns expressed by the Committee of the Regions in its opinion of 12 April 2000 on the White Paper on food safety (CdR 77/2000 fin), but many of these concerns remain;
2. **recognises** that the fundamental principles of food safety and public confidence must be based upon a comprehensive and integrated approach, encompassing the whole food chain "from farm to fork":

- transparency of all actions and opinions;
 - maximum information in clear and understandable form being provided to allow effective consumer choice;
 - effective traceability of all food, ingredients and feedingstuffs through the food chain to the consumer, ensuring at every stage of the process the ability to identify all ingredients;
 - application of the precautionary principle in appropriate circumstances;
3. **welcomes** the Commission's initiative to bring the controls needed for both foodstuffs and animal feed into a joint regulation;
 4. **would also like** this all-encompassing piece of legislation to apply, with respect to the objectives of the draft regulation, to the official controls performed for the verification of compliance with the rules governing the common market organisations for agricultural products (arable crops, wine, olive oil, fruit and vegetables, hops, milk and dairy products, beef and veal, sheep and goat meat and honey) such that agricultural production as a whole is covered by the across-the-board provisions of the regulation;

5. **believes** that in any event Directive 2000/29/EC² on protective measures against the introduction of organisms harmful to plants or plant products and against their spread within the Community will need to be adapted;
6. **supports** the introduction of multi-annual national control plans. Nonetheless, in its opinion on the White Paper on food safety, the CoR recognises the need to acknowledge and respect the diversity and cultural and economic significance of regional and local traditions and customs with respect to food production and taste and therefore of always seeking the appropriate balance between consumer safety and consumer choice. It also believes that the promotion and support of typical food products from different local traditions represents a very decisive way to give consumers healthy foods, and at the same time to help the economies of many rural areas. These concerns are still relevant and will need to be incorporated into the multi-annual national control plans (Article 42 of the proposal for a regulation). It does indeed make sense for the control tasks contained in these plans to focus on the highest-risk sectors, and that as such a link should be established to waste management procedures, large-scale processing and production, the nature of the products and the production methods used. In this respect, care must be taken with the wording of Article 43 of the draft regulation. Recital No. 13 to the regulation stipulates that the frequency of official controls should be regular and proportionate to the risk. This risk should be assessed in relation to the production, processing and distribution methods used and the production volume. For the above reasons and in order to secure the best possible management of the multi-annual control plans, it is essential that the Member States should involve the regional and local authorities from the initial planning stage. The same applies to preparation of the contingency plans under Article 13;
7. **would advocate** assessing the risks in relation to each production procedure. Controls should be conducted at as early a stage as possible with particular emphasis placed on large-scale industrial procedures and the cold chain;
8. **considers** that the majority of food crises that have taken place over recent years have involved the animal feed sector, and calls for stricter and more frequent controls in this sector, and for these controls to be geared more towards risk prevention;
9. **calls for** the regulation to be flexible enough to take account of the specific characteristics of those areas governed by the following regulations: Council Regulations (EEC) No. 2092/91 of 24 June 1991 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs³, (EEC) No. 2081/92 of 14 July 1992 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs⁴, and (EEC) No. 2082/92 of 14 July 1992⁵ on certificates of specific character for agricultural products and foodstuffs;
10. **would like** the multi-annual national control plans to take real account of the need for traceability throughout and ensure the transparency of these procedures;

11. **welcomes** the introduction of Community controls in the Member States via general audits, which will enable the Member States to improve their control procedures;
12. **endorses** the obligation placed on the Member States, under the powers enshrined in the EC Treaty, to provide for penalties for serious infringements that could lead to the entry onto the market of unsafe products within the meaning of Articles 14 and 15 of EC Regulation No. 178/2002⁶ (laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety) as, in a great many cases, only penalties have a truly deterrent effect. It will nonetheless also be necessary to provide for administrative penalties, which can be more rapidly implemented for specific infringements. However, the CoR would prefer to see harmonised EU sanctions enforced by the European Commission in the future. The CoR is aware of the fact that the introduction of such EU-wide sanctions would most probably render a revision of the treaty necessary;
13. **calls on** the Commission, in order not to create distortion of competition, to introduce a system with harmonised levels of fees to be imposed on feed and food business operators in cases of non-compliance with feed and food law, which leads to control activities exceeding the normal monitoring activity. In addition, **requests** that the control fee system should be flexible enough to take account of the interests of small enterprises;
14. **would like** these various remarks to be included in the training sessions run by the commission for the staff responsible for the controls.

Brussels, 9 October 2003.

The President

of the

Committee of the Regions

Albert Bore

The acting Secretary-General

of the

Committee of the Regions

Gerhard Stahl

¹ OJ C 226, 8.8.2000 p. 7

² Official Journal L 169, 10.07.2000 p. 1

³ OJ, L 198, 22.7.1991, p. 1. Regulation as last amended by Commission Regulation (EC) No 436/2001 (OJ L 63, 3.3.2001, p. 16).

⁴ OJ L 208, 24.7.1992, p. 1. Regulation as last amended by Commission Regulation (EC) No 2796/2000 (OJ L 324, 21.12.2000, p. 26).

⁵ OJ L 208, 24.7.1992, p. 9 Regulation as last amended by the Act of accession of Austria, Finland and Sweden.

⁶ OJ L 031, 1.02.2002, p. 1

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