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Position on the Commission proposal on official controls

Eucolait welcomes the proposal for a regulation that would create a single legal framework for official controls and streamline the existing system. We are particularly pleased with the extension of the principle of risk-based controls to all areas covered by official controls and hope this will also be reflected in practice.

We do however recognize that the proposed regulation is a framework and that most of the relevant provisions from the perspective of dairy trade will be contained in the future delegated acts, such as the specific rules for controls in relation to products of animal origin or on residues of certain substances. Nevertheless, some key principles are laid down in the proposed framework regulation and we feel that certain elements of the Commission text could be further improved. In this regard, Eucolait would like to comment on and suggest amendments in relation to the following specific issues.

1. Financing of Official Controls

Food safety is a public good. The costs arising from controls to ensure food safety should consequently be borne at least partly by taxpayers. This will guarantee that controls are risk-based and carried out as efficiently as possible.

Article 77 (1) should therefore read: *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 **part of** the costs they incur in relation to: ...*

This could be ensured by providing that only some of the costs enumerated in Article 78 can be recovered, e.g. by excluding travel and associated subsistence costs and costs of training of staff.

Dairy traders provide important services to the market but in most cases do not physically handle the goods. This needs to be taken into account if fees are established at a flat rate as provided for in Article 79 (1) (a). Such fees need to be based primarily on the risk associated with each level of the supply chain rather than turnover or company size.

2. Import controls

- **Frequency of identity and physical checks**

Official controls at border inspection posts should be risk based. Accordingly, the frequency of physical and identity checks should depend on the type of products but also on past experience with a given product category and the country of export.

The following sentence should therefore be added to Article 47 (3): *Account shall also be taken of the track record of the country of export for the products in question.*

In addition, Article 52 (2) (a) (ii) should read: *the outcome of controls performed by Commission experts in accordance with Article 115 (1) and 119* so as to include controls carried out in third countries.

- **Trade samples**

We fully support the exemption foreseen for commercial or trade samples from border controls.

- **Common Health Entry Document (CHED)**

The creation of the CHED could be positive if it is more than simply another form to be filled in and actually facilitates the border passage of goods. There seems to be some duplication as the information identifying the consignment is already contained in the health certificate that is required for the import of dairy products.

3. Official certificates for exports

Health and veterinary certificates for the export of dairy products are often negotiated between individual Member States and the third country of destination. In some cases, the third country imposes a specific format for the certificate that has to be used for all imports, regardless of the origin. It is rather rare that the form let alone the content can be determined by the exporter. Consequently, the use of any model certificates as referred to in Article 89 (a) needs to be optional.

4. Information Management System (IMSOC)

We welcome the setting up of an EU wide system for the exchange of data relating to official controls. It should however not affect the operation of existing national systems used for instance for import and export certification. This should be reflected in a new paragraph 3 of 130: *The IMSOC shall not restrict the use of existing information management systems at Member State level as long as all the required information is transmitted to IMSOC.*