



Brussels, 17 October 2011
UECBV Ref: 1759

Ms. Carmen Garau
Head of Unit
DG Sanco
EU Commission
rue Belliard, 232
1049 Brussels

Review of Regulation EC/882/2004 on official food and feed controls

Dear Mrs. Garau,

Following the meeting of the Advisory Group of the Food Chain and Animal Health on 19 September 2011 on the revision of Regulation EC/882/2004, we are pleased to set out the UECBV position on various points raised during the meeting.

First of all, we apologize for not responding earlier, but as an EU association, you will understand that we need to follow our internal consultation procedures in order to reach a position that is representative of our member organisations. We did this as quickly as we could, following the meeting.

UECBV warmly welcomes the Commission's review of this Regulation, in particular in relation to enforcement issues and in order to assess the effectiveness of "risk-based controls taking into account HACCP-based systems and quality insurance systems in place".

The detailed comments we have are as follows:

Transparency

UECBV is in favour of full transparency between Food Business Operators (FBOs) and Competent Authorities (CAs) in both directions. It is important for FBOs to know what criteria are applied when inspections are carried out and the reasons behind the decisions taken. Similarly, it must also be clear to CAs what is done at company level, in particular with regard to the framework of their HACCP-based systems or certification schemes.

UECBV considers that for the public, the most important and relevant information is whether a plant is EU approved. Such approval ensures that the FBO is producing safe food. We are concerned that providing more complex and detailed information would lead to misunderstandings by consumers and possible distortions of competition.

UECBV is in favour of the publication of the Member States' multi-annual control plans and annual reports on the Commission web-site.

UECBV is not in favour of performance ratings such as smileys, scores etc. Where such ratings exist, they differ very much from one Member State to another, can be misleading and may not be comparable at an EU level.

Right of a second opinion

UECBV is strongly in favour of such a right. It is something that has been requested several times during the original drafting of Regulation 882 before 2004 and also in the framework of the hygiene package and its current review.

The urgent need for such a system has been emphasized in different food crises, including the latest incident regarding "ecoli in cucumbers".

However, UECBV is not in favour of a system such as that in DK and in FR, where only one party is heard i.e. the Competent Authorities.

UECBV is in favour of a referee system, consisting of members of different disciplines and composed of representatives both from FBOs and from CAs. It must be fair and balanced, involving independent experts.

Time-based fees

UECBV is in favour of a time-based fee in cutting plants, where the presence of CA officials is not permanent and a fee of 2€ per tonne is most commonly applied amongst the Member States, independently of the presence of the official authorities. It is important to link the fee with the effective work of the official authorities.

Regarding the costs of transport of the official authorities

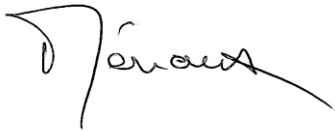
UECBV is not in favour of including transport costs in the fees as the geographical location and travelling distances of officials are decided by the Competent Authorities. As FBOs have no say in these matters, they should not be required to bear these costs.

Overhead costs

If the Commission insists on the principle of full cost recovery, UECBV can accept this only in respect of direct costs. All indirect costs, including transport, must be borne by the CA. It is the only way to ensure that CAs have an incentive to improve their own efficiency.

Thanking you to take the UECBV's comments into account, we remain

Yours sincerely,

A handwritten signature in black ink, appearing to read 'J. Mériaux', with a long, sweeping underline.

Jean-Luc Mériaux
UECBV Secretary General