



Brussels, 12th March 2010

O/ref. : note **N-036-2010-EN**

Re: **RASSF: Draft Commission Regulation laying down implementing measures for the Rapid Alert System for Food and Feed**

The UECBV very much welcomed the draft Commission Regulation laying down implementing measures for the Rapid Alert System for Food and Feed as the UECBV met the Commission services on this issue several times.

The UECBV considers that RASSF is a valuable tool when implementing EU food laws.

With the experience, the concerns of UECBV members revolve around three main points:

1. The notion of "serious risk" deserves to be defined in order to ensure a harmonised understanding of this notion.
2. A good information/communication of the companies concerned.
3. Having in place a system allowing to correct mistakes as quickly as possible and to avoid prejudice for the companies subject to these mistakes.

On the second and third points, the UECBV welcomes paragraph 4 of article 12:

*4. "Members of the network shall have adequate procedures in place to ensure that the professional operators mentioned in the notification are immediately provided with all information they require to take action in order to eliminate the risks notified and to enable them to provide additional information to the competent authority or, where applicable, to safeguard their right to appeal against the decision taken by the competent authority."*

Nevertheless, the UECBV would welcome:

- More information on this right of appeal (competent appeal body, delay of action, etc).
- A "corrective system" ensuring that, as soon as it has been proved that a company was wrongly added in the RASSF system, the company in question is delisted. The corrective system must be put in place by the competent authorities under their responsibility. This system must ensure that the name of the company is totally removed from the RASSF. Any late action from the competent authority can be submitted to penalty at the benefit of the company concerned.

Finally, the companies rightly entered in the RASSF but who took corrective actions and who were not subject to further alerts after a certain delay, should also be removed from the system. The UECBV would welcome a paragraph in the future Regulation specifying the procedure and delay for this delisting.

One has to keep in mind the great commercial consequences for the companies listed in the RASSF. A recovery system is then of the utmost importance.