



COMMISSION OF THE EUROPEAN COMMUNITIES

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COMMUNICATION FROM THE COMMISSION
TO THE EUROPEAN PARLIAMENT, THE COUNCIL
AND THE ECONOMIC AND SOCIAL COMMITTEE

**ON FOOD, VETERINARY AND PLANT
HEALTH CONTROL AND INSPECTION**

1. INTRODUCTION

This Communication indicates the progress made to date with the action outlined in the Commission's Communication on Consumer Health and Food Safety (COM (97) 183 final) of 30 March 1997. It also describes the future action that will be taken in the light of the recommendations made in the report of its Inspection General Services (IGS) on "A study of the food safety control bodies" on 13 October 1997 (referred to simply as the "IGS report" throughout this Communication).

The Commission reiterates its whole-hearted commitment to the maintenance of acceptable food safety standards, and the protection of consumer health. It is strongly of the view that consumer health protection can best be achieved through an effective, working partnership between the food industry, the official control services at national level and the Commission itself, within the framework of an effective legislation. Each group must accept its responsibilities to ensure that food safety is given the highest priority, and to act in a transparent manner to provide consumers with the highest level of confidence.

The food industry, at all stages of the production chain, needs to develop effective monitoring and self-policing systems to ensure that food is produced in compliance with EU food safety legislative requirements. Member States, by developing co-ordinated control programmes covering the whole of the food production chain, and the introduction of audit-based control systems to monitor the situation in individual premises, will be able to discharge their fundamental responsibility for consumer health protection at the national level. The role of the Commission is essentially to "control the controls", for which the Member State authorities retain the central responsibility. The Commission will concentrate on controlling the manner in which Community legislation is being applied in practice by national authorities through the use of audit techniques designed to monitor the performance of the competent authorities throughout the food production chain. Nonetheless, it must be recognized that the application of the full range of these controls by the Commission will always be challenging.

Bearing in mind the above comments, the Commission endorses the recommendations made in Chapter V of the first part of the IGS report. It considers that the report, which supports, and expands upon, the actions already taken by the Commission in recent months, forms a sound basis for further development of its control and inspection services.

2. THE STRUCTURE OF THE COMMISSION'S FOOD, VETERINARY AND PHYTOSANITARY CONTROL SERVICES

2.1 Commission Office or Agency?

The proposal (COM (96) 223 final) for the establishment of a Veterinary Inspection Agency has been withdrawn by the Commission. Neither the final report of the European Parliament's temporary BSE follow-up committee, nor the Economic and Social Committee, nor the IGS report, considered that any additional advantage would be gained from the establishment of an independent Agency.

The IGS report noted that food safety control services must enjoy an adequate degree of independence if they are to offer an acceptable level of impartiality and objectivity in their findings. It also noted that these goals were best achieved through the establishment of a clearly defined legal and official status for the control services, covering their mission, the functions and responsibilities of personnel, the procedures, the working techniques etc.

By retaining the Commission's food safety control responsibilities within its own services, the necessary distance can be maintained between these services and the national authorities who will be the subject of its control activities (a situation that can be better achieved by an Office than by an Agency). Furthermore, the Commission is accountable to the other Community institutions and to consumers, whilst avoiding the risks of isolation from the decision making process that might follow from the establishment of an Agency. The development of the management and operational changes outlined in the earlier Communication, and further developed here, will ensure that the services act in a transparent, and independent, manner.

The Commission has therefore come to the conclusion that control and inspection responsibilities will continue to be undertaken by the Food and Veterinary Office (FVO), under the overall responsibility of the Commission.

2.2 Commission initiatives

The two Decisions which are to be adopted by the Commission before the end of January lay down rules on the performance of veterinary on-the-spot checks in both Member States and third countries. These provide a public commitment by the Commission and Member States to accelerate the processing of mission findings, and to ensure that these findings, and recommendations for action following from them, are made rapidly available both to the European Parliament and to the general public.

If it is found to be necessary, the Commission will prepare guidelines, based on best practices, to assist Member States in developing co-ordinated control programmes covering the whole of the food production chain, and the introduction of audit-based control systems,

Furthermore, the need for additional controls at Member State level in respect of food safety standards for non-animal origin foodstuffs, eg. fruits and vegetables, will be examined by the Commission in order to assess whether further action is needed at national or Community level.

2.3 Transparency of operation

Transparency can best be guaranteed by ensuring that the FVO works in a manner which respects published operational standards, and which is open to outside scrutiny. Based upon the recommendations of the IGS report, a Manual of Procedures, covering all aspects of the FVO's activities, is being developed. This will be supported by the development of effective internal management controls to monitor the implementation of the Manual's requirements.

Article 214 of the Treaty of the European Community lays down certain principles that must be respected in terms of the release of information, on individual undertakings, but, within these confines, the FVO will make every effort to ensure that its findings are freely available. An internet site for the FVO, which can be accessed via the DG XXIV home page through the Europa server, is being established.

The FVO will publish an annual report of its activities for general distribution. A copy of the report will be placed on the internet, and widely circulated.

Discussions with consumer and producer associations will be organised regularly to discuss the outcome of the inspection programmes.

3. THE DEVELOPMENT OF THE FOOD AND VETERINARY OFFICE

3.1 Human resources

The IGS report (SEC (97) 482/3) of 11 March 1997, recommended that the Commission's control services required a total of 202 posts, including 127 A grade posts, to meet their commitments. The Commission has accepted this recommendation and will progressively make these posts available such that the FVO can take on board the full range of its responsibilities. In addition to the efforts made to redeploy staff within the Commission, the role of the Budgetary Authority in providing 35 posts, and credits for 12 auxiliaries, in the BRS 1997 is acknowledged.

3.2 Working procedures

The action outlined in the earlier Commission communication (COM(97) 183 final), regarding the standardisation of working procedures and the development of mission prioritisation system is being developed. Once this work has been completed, it will form the basis of the FVO's standard working practices, and be incorporated into the proposed Manual of Procedures.

3.3 Control over the whole food production chain

This approach was widely supported in the countries visited by the IGS team during its inquiry. It will involve the development of small, multi-disciplinary, inspection teams to respond to the priorities identified under the mission programme. Each team will be staffed to allow it to cover all elements of the chosen sector, from animal feed processors, through health and welfare standards on farms, markets and during transport, to the processing, storage and distribution of the foods concerned.

It is also proposed to develop a small number of emergency teams, specially trained in epidemiological and investigation techniques, whose main function will be to respond immediately to food, public health, animal health and plant health crises both in Member States and third countries.

In undertaking these controls, the protection of food safety is the central element. However, where there is a direct link between food safety and food quality standards, the controls may include the latter element.

3.4 Audit and inspection procedures

For the sake of efficiency, transparency and in application of the principle of subsidiarity, the FVO will, as far as possible, perform its control duties by means of audits of the bodies responsible for consumer health protection in both Member States and certain third countries (those where agreements between the European Community and the third country concerned on sanitary measures applicable to trade have entered into force).

Audit visits will routinely include inspections at individual processing premises to allow an assessment to be made of the performance of the competent authority, individual inspectors and control systems. They will also include checks to ensure that the operational records presented to the FVO inspectors fully reflect the reality of the situation ("reality checks").

In third countries for which no agreements between the European Community and the third country concerned on sanitary measures applicable to trade have entered into force, the FVO will assess the ability of the official control authorities to ensure the respect of the standards laid down in Community legislation, including visits to individual farms, markets, processing establishments etc to assess compliance on-the-spot with the relevant legislation by producers, transporters and processors.

When inspections are carried out in third countries, the relevant provisions of the WTO-Agreement on the Application of Sanitary and Phytosanitary Measures, and in particular Article 8 and Annex C thereof, shall be respected.

3.5. Internal controls

The IGS report recommended that the FVO should take account of the principles outlined in EN 45004 (General criteria for the operation of various types of bodies performing inspection). In light of this, and as part of its commitment to the transparency of its internal management system, an internal Quality Team will be established within the FVO. Particular attention will be paid to ensure that the Quality Team enjoys a status that is independent of the Office's internal management structure, as is required for such structures under EN 45004.

The changes to operational and management procedures, and the expansion of the Office, has meant that a structured staff training programme is being implemented.

3.6. Co-operation

The FVO will work closely with other bodies involved in the monitoring of compliance with Community legislation in Member States and third countries, and internationally. It will seek to develop improved co-operation procedures with interested parties to ensure the most effective use of its resources in the performance of its control and inspection duties.

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