

# **EU REGULATION 882/2004 ON OFFICIAL CONTROLS - DRAFT EUROPEAN COMMISSION GUIDELINES ON ANNUAL REPORTS ON IMPLEMENTATION OF NATIONAL CONTROL PLANS - SUMMARY OF CONSULTATION RESPONSES**

## **Background**

This was a UK-wide consultation carried out jointly by the Agency, Defra and the Agriculture/Rural Affairs Departments in the Devolved Administrations. It took place from 7 November 2006 until 30 January 2007. The package was sent to 590 stakeholders. Four substantive responses were received. We are grateful for these and the views expressed are being taken into account in developing the UK position for the on-going discussions on the guidelines at EU level. They will also be taken into account in developing policy for applying the guidelines in the UK.

Please keep checking our website, [www.food.gov.uk](http://www.food.gov.uk) for further developments in this policy area.

## **Summary of responses**

The following organisations and individuals provided substantive comments in response to the consultation:

- East Ayrshire Council
- Foodaware: the Consumers' Food Group
- LGC Limited (Teddington)
- Local Authorities Co-ordinators of Regulatory Services (LACORS)

The table below summarises the responses to the consultation in terms of the specific questions posed in the consultation, and other issues raised.

## Summary of responses

Consultation question/other issues	Summary of responses	FSA evaluation/proposed way forward
<p><b>Impact on the competent authorities</b> - <i>As a general principle, we believe that where there is a requirement for information or data to be provided in the annual report, the rationale behind this and the use to which the information or data is to be put by the Commission must be explicit. Any requirements must focus on what is actually necessary for the Commission to assess the performance of national control systems. The approach taken must be flexible and proportionate and very careful assessment of the impact on the competent authorities of meeting any requirements must be made before they are included. In doing so, it is important to take account of the diversity of national control systems in the different Member States. Do you agree?</i></p>	<p>Respondents that commented agreed that there must be a clear rationale for information or data requirements in annual reports.</p> <p>One response highlighted the importance of producing reports in a consistent manner and for the information or data provided to be accurate, reliable and comparable, such that the effectiveness of national arrangements and controls across the EU are transparent.</p>	<p>These views are noted and the UK is continuing to press at EU level for a proportionate approach that takes account of the diversity of national control systems and reporting arrangements in Member States.</p>

Consultation question/other issues	Summary of responses	FSA evaluation/proposed way forward
<p><b>Synthesis and analysis of data</b> - From the preliminary discussion, it appears that the Commission wishes to move away from the practice of submitting raw activity data (e.g. numbers of inspections, numbers of samples taken etc.) to provision of an analysis or assessment of the effectiveness of the control systems and activities described in the NCP. We welcome this approach in general terms. What are your views?</p>	<p>Respondents that commented welcomed the general approach being proposed by the Commission.</p> <p>One respondent noted the importance of a uniform approach to the interpretation (analysis) of the data collected.</p>	<p>These views are noted and the UK will continue to support the development of a more outcome based assessments of compliance.</p>
<p><b>Feed and food controls</b> - The Draft guidelines recognise that Member States already have systems in place for collecting monitoring data in respect of feed and food controls (as required under Directive 95/53/EEC<sup>1</sup> and Directive 89/397/EEC<sup>2</sup>) and in other areas also. Member States may continue to base their assessments on this or to develop these systems as they believe necessary. We welcome this. As regards feed and food controls, in particular, this would allow the FSA to continue the work already under way to simplify current arrangements for monitoring of local authority enforcement services and to develop more outcome-based measures to assess levels of compliance with feed and food law by businesses. Do you agree?</p>	<p>All respondents agreed that the UK must seek to retain the flexibility to continue with current national reporting arrangements and that these must be simplified to develop a more outcome based measures to assess levels of compliance.</p> <p>CFG highlighted that this interpretation should be clarified to ensure that the UK is not out of line with other Member States in its reporting of the effectiveness of official controls.</p> <p>LACORS commented on the need for consistency across the animal health and food monitoring regimes in the UK to ensure that equivalent information is captured in all areas</p>	<p>These views are noted and the UK will continue to press for flexibility to retain existing reporting arrangements where appropriate.</p>

<sup>1</sup> Council Directive 95/53/EC of fixing the principles governing the organization of official inspections in the field of animal nutrition

<sup>2</sup> Council Directive 89/397/EEC on the official control of foodstuffs

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<p><b>Regulatory impact</b> - The UK will be required to report on implementation of the NCP and this will involve not only the central Government Departments (and their agencies) but also local authorities. The guidelines, however, permit reports to be based on data that is already collected. Where this option is implemented, there will be no significant new or additional burdens on the relevant authorities. Should the UK propose to introduce any new arrangements for particular sectors, Regulatory Impact Assessments (RIAs) will be developed and the costs and benefits of any changes to current arrangements in those sectors will be considered as part of those particular exercises. Relevant stakeholders will be consulted at that time. In view of this, we have concluded that an RIA is not necessary for the draft Commission guidelines themselves. Please let us know if you disagree and outline the reasons why (any details of the burdens envisaged and estimates of costs would also be welcome).</p>	<p>No respondents took a contrary view to the need for an RIA.</p>	<p>No RIA will be prepared at this stage.</p>