



## EUROPEAN COMMISSION

Brussels,  
C(2013) 5790 final

*Dear President,*

*The Commission would like to thank the Chambre des Députés for its Reasoned Opinion on the proposal for a Regulation of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health, plant reproductive material and plant protection products {COM(2013) 265 final}.*

*The Commission takes note of the detailed observations and suggestions made by the Chambre des Députés.*

*The Commission does not share the view of the Chambre des Députés that the proposal is incompatible with the principle of subsidiarity. The reasons for the Commission position are the following:*

*The added value of a single, uniform set of EU rules to govern official controls lies in the fact that it offers national enforcers (and their operators) a framework within which Member State competent authorities can rely on enforcement activities carried out in another Member State, and on the reproducibility and scientific and technical soundness of control results. It also ensures that EU agri-food chain standards necessary for the functioning of the single market are applied uniformly and consistently in the different Member States and sectors.*

*As to the financing of controls, common EU rules ensure that Member State competent authorities can count on a reliable flux of resources to maintain the control effort at a level justified by the risks and by enforcement needs (e.g. level of non-compliance).*

*Provisions on fees in particular ensure that businesses, which benefit directly from efficiently performed controls, participate to the financing of the latter, so as to minimise the dependency of control funding on public finances. Common EU rules are necessary also to prevent discriminatory treatment between operators located in a Member State where the user-pays rule (and thus fees) applies and those located in a Member State where this is not the case. Only common EU rules can ensure a uniform approach to pursue this objective.*

*The policy choices established in the proposal have been the result of an impact assessment based on an extensive consultation with Member States and stakeholders. The impact assessment has looked at a broad range of options, including that of harmonising fee levels across Member States, and that of de-regulating the matter. Where these options have applied to the plant health and plant reproductive material sectors, a separate, complimentary impact assessment has been undertaken. The analysis sought to design the most proportionate solution to ensure a sufficient and steady flux of dedicated resources for official controls,*

*Mr Laurent MOSAR  
President of the Chambre des Députés  
19, rue du Marché-aux-Herbes  
L – 1728 Luxembourg*



*whilst leaving Member States the time and flexibility necessary to cater for their internal arrangements and the specificities of their business population.*

*Data available from Member States currently charging fees shows that when these are levied upon all operators subject to controls (irrespective of whether an inspection is actually carried out during a reference period) the amounts are modulated according to the size or the throughput of the business and represent a rather negligible fraction of production costs. On the other hand, in Member States where the actual cost of each inspection is charged, amounts vary in relation to the hourly cost of control activities. Evidence suggests that the increase in costs for those individual operators in sectors which would be covered by the extended scope of mandatory fees is likely to be of little significance for the overall production costs. This applies equally to the plant health and plant reproductive material sectors.*

*Taking into account all the above points, the proposal aims to take an approach which serves the principle of proportionality and also the need to regulate matters that can be achieved better at EU level rather than national level.*

*The Commission hopes that these clarifications address the concerns raised by the Chambre des Députés and looks forward to continuing our political dialogue in the future.*

*Yours faithfully,*

*Maroš Šefčovič  
Vice-President*

