



EUROPEAN COMMISSION

Brussels, 3.12.2013
C(2013) 8311 final

Dear President,

The Commission would like to thank the Kamra tad-Deputati for its 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 welcomes the observations made by the Kamra tad-Deputati and would like to react by making the following points regarding particularly the financing of official controls:

Data available from Member States currently charging fees for official controls show that when these are levied upon all operators subject to controls the respective amounts represent a rather negligible fraction of production costs. The need to enable competent authorities to recover costs so as to ensure sufficient resources for official controls must be balanced and weighed against the need to lower the burden on very small businesses, in line with the new Commission policy on "Minimizing regulatory burden for Small to Medium-size Enterprises – Adapting EU Regulation to the Needs of Micro-enterprises". According to this policy, those businesses should in principle be excluded from regulatory burdens, unless the necessity and proportionality of their coverage can be demonstrated.

The Commission considers that while an automatic exemption of all small and medium-sized enterprises from the application of fees would undermine the policy objective of ensuring the long term sustainability of national control systems, at least the smallest enterprises (micro-enterprises) should be exempted from the application of fees to ensure that their competitiveness is not adversely affected.

Member States can determine, at a local level, the fees to be charged for official control activities, on the basis of the relevant criteria as set out in the proposed new Regulation.

Taking into account all the above points, the proposal aims to present an approach which establishes a sustainable system which is fair to all businesses whilst at the same time avoiding unnecessary burden on the EU's smallest operators.

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The Commission hopes that these clarifications address the concerns raised by the Kamra tad-Deputati and looks forward to continuing our political dialogue in the future.

Yours faithfully,

*Maroš Šefčovič
Vice-President*