



## EUROPEAN COMMISSION

Brussels, 11.9.2013  
C(2013) 5796 final

Dear Presidents,

*The Commission would like to thank the Congreso de los Diputados and the Senado for their 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, plant protection products and amending Regulations (EC) No 999/2001, 1829/2003, 1831/2003, 1/2005, 396/2005, 834/2007, 1099/2009, 1069/2009, 1107/2009, Regulations (EU) No 1151/2012, 2013 and Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC, 2008/120/EC and 2009/128/EC (Official controls Regulation) {COM(2013) 265 final}.*

*The Commission welcomes the general comments made by the Congreso de los Diputados and the Senado and shares their view that, in particular in times of the increasing cross-border dimension of agri-food production and distribution, a harmonised Union legislative framework to govern the organisation, the performance and the financing of official controls along the entire agri-food chain is necessary to ensure the uniform application of agri-food chain rules across the Union and the smooth functioning of the internal market. A rationalised and simplified legislative framework, extended to the whole agri-food chain allowing modernised, integrated and sharpened enforcement tools and the availability of stable and appropriate resources for control authorities in order to further enhance agri-food safety in all the Member States of the Union, can in fact only be achieved through the intervention of the European legislator.*

*As regards the concern of the Congreso de los Diputados and the Senado that Article 1(3)(b) of the Regulation proposal expands the scope of existing rules on official controls to exports of animals and goods, and that by virtue of the proposed rules competent authorities may in future be required to verify that the animals and goods meet the requirements laid down by the third country of destination of the said animals or goods, the Commission would like to provide the following clarifications:*

Mr Jesús POSADA MORENO  
President of the  
Congreso de los Diputados  
Floridablanca s/n  
E - 28071 MADRID

Mr Pio GARCÍA-ESCUADERO MÁRQUEZ  
President of the  
Senado  
Plaza de la Marina Española, 8  
E - 28071 MADRID

- *Article 3(4) of current Regulation (EC) No 882/2004 on official controls<sup>1</sup> already provides the general requirement that official controls "be applied, with the same care, to exports outside the [Union], to the placing on the market within the Community and to introductions from third countries into the territories [of the Union]"; the current proposal merely updates and clarifies the formulation of that requirement, and reiterates that official controls on agri-food chain products shall be performed according to the same rules irrespective of the provenance and destination of the animal or goods.*
- *Because the provisions in question only concern the modalities with which official controls on exports should be performed, they do not create themselves the obligation to perform official controls on animals or goods intended to be exported to third countries, nor do they lay down the requirements these animals and goods shall comply with. Reference should be made here in particular to the general obligation laid down in Article 12 of Regulation (EC) No 178/2002, Article 245 of the proposal for a Regulation of the European Parliament and of the Council on animal health {COM(2013) 260 final}, Article 46 of the proposal on the production and making available on the market of plant reproductive material {COM(2013) 262 final} and Articles 94 and 95 of the proposal for a Regulation of the European Parliament and of the Council on protective measures against pests of plants {COM(2013) 267 final}, which require that animals and goods to be exported from the Union comply with Union law unless otherwise requested by the authorities of the importing country or established by the laws, regulations, standards, codes of practice and other legal and administrative procedures in force in that country.*

*The Commission hopes that these clarifications address the concerns raised by the Congreso de los Diputados and the Senado and looks forward to continuing our political dialogue in the future.*

*Yours faithfully,*

*Maroš Šefčovič  
Vice-President*

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<sup>1</sup> *REGULATION (EC) No 882/2004 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules - (OJ L 165, 30.4.2004, p. 1)*