



EUROPEAN COMMISSION  
Impact Assessment Board

Brussels,  
D(2012)

**Opinion**

**Title**

**DG SANCO - Impact Assessment for the review of the EU system of official controls along the food chain – DG SANCO**

**(Resubmitted draft version of 21 May 2012).**

**(A) Context**

In order to ensure food chain rules are enforced by Member States across the EU in a harmonised manner, a legislative framework for the organisation of official controls along the food chain has been established. Reviewing the state of implementation of Regulation (EC) No 882/2004 on official controls, the Commission issued a report (COM/2009/334/Final) for the European Parliament and the Council, which suggested certain improvements could be made to simplify the existing regime, especially the possibility of integrating the rules currently applicable to official controls in specific areas (e.g. residues of veterinary medicines in live animals and animal products; plant health) into the framework of the Regulation. With regards to the financing of official controls, it concluded that not all Member States allocate adequate financial resources to official controls. The aim of the related initiative is to simplify and streamline the current legal framework in one comprehensive regulation. The present impact assessment examines the impacts of the revision of the EU system of official controls along the food chain.

**(B) Overall assessment**

**The revised report has been improved but still needs some further work on a number of key issues, especially with respect to a clear presentation and comparison of the costs and benefits of the options. Firstly, the problem definition should better illustrate what the concrete problem drivers are, supported, where appropriate, by verifiable evidence. Secondly, the intervention logic should be further strengthened by better linking the objectives to the policy options and by more clearly including the notion of food safety in the objectives. Thirdly, the report should further integrate SME aspects, by strengthening the impact analysis of mandatory fees on SMEs, and by integrating the administrative burden reduction mechanism for SMEs in the options. Fourthly, the report should further improve the presentation and explanation of the analysis of costs and benefits, in order to present more transparently the financial and budgetary impacts of this proposal. Fifthly, it should provide a more transparent comparison of the options. Finally, different stakeholder views should be referred to more explicitly throughout the report, and evidence, as well as figures, should be much better referenced.**

### **(C) Main recommendations for improvements**

**(1) Improve presentation of the problem definition.** Divergences in the effectiveness of controls still appear to prevail at Member State level. Hence, the report should provide more thorough evidence on the design of the controls and their effectiveness across Member States, for instance by including data on benefits and costs for the major sectors concerned per Member State. The problem definition should be supported by clear examples which are supported by adequate references. For example, the evidence used to illustrate the absence of positive results in meat hormones testing since 2004, should be more transparently presented and referenced. The report should also better distinguish between the problems, the problem drivers and their consequences, for instance by including a problem tree..

**(2) Better define objectives and strengthen the intervention logic.** The report should set more concrete operational objectives, by stating which concrete and quantifiable improvements should be realised at a specified point in time, and should better link the objectives to the policy options. The report should also further reinforce the fundamental importance of maintaining acceptable safety levels along the food chain in the objectives.

**(3) Further integrate SME/micros aspects in the report.** The report should present a clearer description of the relevant market structures, so that the incidence of the fees under the options that specify full cost recovery, can be better understood. Based on solid evidence, the report should examine in more detail whether SME/microenterprises are disproportionately affected by fees. The evidence provided for the statement that mandatory fees will not disproportionately affect SMEs, needs to be strengthened considerably. The report should also address possibilities for reducing administrative burdens on SMEs, by explicitly including it in the description of the policy options. It should assess the administrative cost of 'Member States refunding fees to SMEs' under Option 2, against the alternative of exempting SMEs . With regard to earmarking of fee revenues, the report should provide a brief explanation of why this option, presented in the original report, is no longer analysed in detail in the revised report.

**(4) Improve the presentation of costs and benefits and make the comparison of options more transparent.** The report should explain whether the costs associated with each option should be added to those of the previous option, or whether they are included in the figure. For example, in Table 4, the report should explain whether the cost of Option 4 (€ 85-1500 per year for each affected business) will be additional to the cost of option 2 (€0.9bn-3.4 bn for all business operators), and it should give an indication of the number of affected operators, and the aggregated cost figure. The figures and results presented in the analysis of costs and benefits should be explained, supported by verifiable evidence, and clearly referenced. With regards to Member States which already apply full cost recovery, the report should include concrete examples of best practices.

*Some more technical comments have been transmitted directly to the author DG and are expected to be incorporated in the final version of the impact assessment report.*

**(D) Procedure and presentation**

References to the different stakeholder and Member States' views expressed in the public consultation should be made more systematically throughout the report, especially in the problem definition.

Where the report includes third-party studies, it should clarify to what extent it endorses the findings in the annexes. All examples and evidence should be clearly referenced.

**(E) IAB scrutiny process**

Reference number	2011/SANCO/011
External expertise used	No
Date of IAB meeting	Written procedure. An earlier version of this report was submitted to the IAB in February 2012, for which the Board has issued an opinion on 30 March 2012.