



EUROPEAN COMMISSION
Impact Assessment Board

Brussels,
D(2012)

Opinion

Title

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

(draft version of 29 February 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. This report addresses the main issues in this review. 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 the revision of the EU system of official controls along the food chain will have.

(B) Overall assessment

The report needs a considerable amount of further work to provide adequate support to decision-making. The problem description should be reformulated to clearly present the core issues to be addressed, namely the design and the adequate financing of effective and efficient official controls. The report should clearly explain why these issues need to be addressed and should show how they are linked, supported where appropriate by concrete evidence and examples. On that basis the intervention logic should be strengthened by better linking the objectives to the policy options and to the problems. The report should more explicitly address options that aim to reduce or mitigate the burden on SMEs and micro-enterprises. It should present a clear overview of expected costs and benefits for all options, and provide a more transparent comparison of the options. Finally, different stakeholder views should be referred to much more clearly throughout the report.

Given the nature of these concerns, the IAB requests DG SANCO to submit a revised version of the IA report on which it will issue a new opinion.

(C) Main recommendations for improvements

(1) Improve presentation of the problem definition. The report should reformulate its problem definition in order to present in a clearer and more balanced manner the two main issues at stake: the design and the financing of effective and efficient controls. The apparent need for more resources to carry out the official controls should be properly explained and supported by verifiable evidence clearly indicating any differences in the affected sectors and Member States. Despite harmonisation since 2004, national divergences in the effectiveness of controls still appear to prevail, which may well be caused by other factors than the level of fees. Therefore, the report should provide better evidence on the design of controls, their financing, and their effectiveness across Member States. The problem definition should be supported by concrete examples with adequate references. For example, the need to reduce the number of controls on residues of veterinary medicines should be illustrated by the absence of positive results in meat hormones testing since 2004. The report should also better distinguish between fundamental problems and their consequences. For example, the report should present the possible shortfall of resources for the official controls as a problem instead of introducing the issue of "failure to achieve full cost recovery through mandatory fees" under the problem definition.

(2) Better define objectives and strengthen the intervention logic. The report should formulate the specific objectives more clearly in line with the key problem issues, and should also set appropriate operational objectives. It should better link the objectives to the policy options and to the problems. The report should also reinforce the notion of safety along the food chain in its intervention logic; this would strengthen the argument for this revision at a European and national level.

(3) Reformulate the options and include options that address SME/micros issues. 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. The report should examine in more detail whether or not SMEs/micro-enterprises are disproportionately affected by fees and present possibilities to alleviate any such burden when applicable. An option offering some or all of these enterprises full or partial exemption from the fee system should be properly examined. Whether the SMEs/ micro-enterprises are exempted as a general rule or the issue is left to Member States' discretion, the report should state the source for the compensating financial resources. The report should also address the possibilities of alleviating administrative burdens on SMEs in its policy options. With regard to earmarking of fee revenues, the report should establish whether this is a common practice across Member States. Additionally, it should analyse whether this can be legally prescribed at EU level, in view of subsidiarity considerations.

(4) Present a clear overview of costs and benefits and make comparison of options more transparent. Where feasible, the report should provide costs and benefits in monetary terms. Figures and results 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 stakeholders input received in the public consultation should be made more systematically throughout the report. The annexes need to be reorganised, and where the report includes third-party studies it should clarify to what extent it endorses the findings in the annexes. Salient information or evidence provided in the annexes should be summarised in the main body of the text as the IA report should be read as a self-standing document. All examples and evidence should be clearly explained and adequately referenced.

(E) IAB scrutiny process

Reference number	2011/SANCO/011
External expertise used	No
Date of IAB meeting	28 March 2012