



FOOD AND AGRICULTURE
ORGANIZATION
OF THE UNITED NATIONS



WORLD
HEALTH
ORGANIZATION

E

Agenda Item 4.1 b)

GF/CRD EC-2

ORIGINAL LANGUAGE

FAO/WHO GLOBAL FORUM OF FOOD SAFETY REGULATORS

Marrakech, Morocco, 28 – 30 January 2002

**THE ROLE AND FUNCTION OF THE FOOD AND VETERINARY OFFICE
OF THE EUROPEAN COMMISSION**

CONFERENCE ROOM DOCUMENT PROPOSED BY THE EUROPEAN COMMUNITY

The views expressed in the Global Forum documents are those of the author(s), and do not necessarily reflect the opinions of FAO or WHO. Designations employed and presentation of material do not imply the expression of any opinion on the part of FAO or WHO concerning the legal status of any country, territory, city or area of its authorities, or concerning the delimitation of its frontiers or boundaries.

THE CONTROL FUNCTION

The Commission, in its role as guardian of the Treaties of the European Community, is responsible for ensuring that Community legislation on food safety is properly implemented and enforced. This is broadly described as the control function. The Commission has three main instruments at its disposal to fulfil this function:

- it verifies the **transposition** by Member States of Community legislation into national laws,
- it analyses **reports** received from Member States and third countries on the application of certain aspects of Community legislation (e.g. national residue programmes, animal feed controls etc.),
- **inspections** are carried out in Member States and third countries to verify the implementation and enforcement of Community legislation by competent authorities.

THE ROLE OF THE FVO

The control function at Community level is partly the responsibility of the Commission's Food and Veterinary Office (FVO) which is a directorate of the Directorate General for Health and Consumer Protection.

Its main task is to carry out on-the-spot inspections to evaluate the food safety control systems operated by national authorities in Member States and third countries, to report its findings, conclusions and make recommendations and to follow up the action taken by these authorities in response to its reports. It also has responsibility for monitoring control activities on animal health, animal welfare and plant health. In addition, the results of the FVO's inspections can contribute to the development of Community legislation by identifying areas of existing legislation which may need to be amended or where new legislation is required.

In 1997, in the aftermath of the BSE crisis, the Commission, with the strong support of the European Parliament, committed itself to a major strengthening of its control function on food safety. In that year, the Commission established the Food and Veterinary Office and gave it a central role in fulfilling the Commission's control responsibilities.

In September 1997, the FVO was transferred to Ireland in accordance with the decision of the European Council in October 1993 to decentralise certain Community agencies and offices.

The number of staff working in the FVO has increased from about 50 in 1997 to its present complement of around 160. The number of inspectors has increased three-fold to around 90 and the number of support staff has expanded accordingly.

THE ACTIVITIES OF THE FVO

In parallel with the build up of staff, the FVO's inspection activity has increased significantly since its establishment. In 1997 the FVO completed around 100 inspections. By 2001 this had risen to about 250 inspections in over 100 countries. Since the FVO was established, almost 1000 inspections have been completed. It has concentrated its inspections mainly on food safety issues which have accounted for almost 75% of all inspections completed, with just over half of these conducted within the EU. This reflects the fact that almost 95% of the food consumed in the EU is produced within the Union itself.

Since 1998, reports of inspections carried out by the FVO have been published on the Commission web site (http://europa.eu.int/comm/food/fs/inspections/index_en.html).

In the event of non-compliance with Community legislation identified by the FVO, either by a Member State or a third country, the Commission has recourse to three basic types of sanction.

- (1) It can initiate infringement proceedings in the European Court if a Member State fails to correctly transpose Community legislation or to apply effectively the legislation in force. If a Member State fails or refuses to comply with Court judgements, the Court can impose financial penalties on the Member State in question.
- (2) It can impose a “safeguard” clause on a Member State or third country in the case of a perceived serious risk to human or animal health. In the case of a Member State, the safeguard clause can be applied in the form of special conditions or restrictions on exports. For third countries a total or partial ban on imports can be applied.
- (3) For third countries it can also remove a production establishment or establishments from the list of approved establishments or it can refuse an initial approval. Or it can impose a time limit for receipt of assurances linked to the continued approval of a country, production sector or establishment.

THE FUTURE FRAMEWORK FOR FVO ACTIVITIES

The White Paper on Food Safety, published by the Commission at the beginning of 2000, identified the need for a more harmonised approach to the operation of national control systems in Member States to monitor and enforce Community legislation. It therefore proposed the development of a Community framework in order to raise standards of food safety across the EU.

The first step in the introduction of this new framework will be the approval by the European Council and Parliament of a new regulation on controls. Proposals for this regulation will be adopted by the Commission very soon and submitted to the Council and Parliament for approval.

The proposals will aim to set down a clear and comprehensive set of rules and procedures for the Community, Member States and third countries to follow in applying Community legislation on food safety.

In this regulation the Commission will propose the introduction of a new approach for Member States under which the three aspects of control – verifying transposition, receiving reports from Member States, and the carrying out of on-the-spot inspections – will be combined into one integrated control process. The control cycle under this new approach will involve four main stages.

- Broad guidelines will be drawn up by the Commission, in consultation with the Member States, on the structure and organisation of national control systems, and on the scope, content and operation of national control plans.
- Member States will be required to present to the Commission control plans according to these general guidelines.
- The FVO will conduct a general audit of the control activities of each Member State. This general audit may be supplemented by further inspections of specific sectors or particular control points as considered appropriate.
- Annually thereafter, Member States will be required to present a report to the Commission which will update their initial plan in relation to (a) what new legislation has been introduced or modified to meet Community requirements, (b) what important changes have been made to the structure and functioning of control systems, and (c) other adjustments made to their national control plans. The FVO will then audit the Member States on the basis of their updated plans.

The new framework will also apply to third countries. The European Union imports food, plants and animals from over 200 countries around the world. Under current legislation, the FVO is required;

- a) to verify that the competent authorities in these countries are capable of ensuring that Community requirements are met in respect of all products exported to the EU,
- b) in the case of certain products, to inspect individual production establishments, of which there are currently around 15,000 approved for export to the Community,
- c) to monitor on a regular basis the operation of around 290 inspection posts that carry out specified checks on all imports of animals, animal products and food of animal origin at the point of entry into the EU including the individual approval of new inspection posts.

This represents an enormous range of responsibilities for the FVO. Given the limits on its resources, a major effort of prioritisation is needed. The new control regulation will therefore propose a more streamlined approach. This will require the FVO to focus more on the overall control systems operated by competent authorities in third countries. The competent authorities in the exporting countries will be held accountable for ensuring that the proper standards are observed by producers approved to export to the EU.

THE BENEFITS OF THE NEW APPROACH

This new approach to controls in Member States and third countries will have a number of important advantages. For competent authorities it will enable them to plan and implement their control activities with a clear understanding of what is expected at Community level and within an overall, integrated framework.

For the Commission, and the FVO in particular, it will be able to apply its limited resources more effectively by combining its various existing control activities into one overall integrated process. This approach will also ensure that all the main requirements set down in Community legislation are regularly checked and that no important gaps are left in the control process.

Most important, however will be the benefit to consumers. The new approach will be more transparent and understandable. The publication of control plans and the results of regular audits will provide a clear view of how Community legislation on food safety is being implemented and what the Commission, Member States and third countries are doing to ensure adequate consumer protection.