

Chapter III Control rules

REGULATION (EC) No 882/2004 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

- **Subject matter and scope (Art. 1)**
- lays down **general rules** for the performance of official controls to verify compliance with rules aiming:
 - a) preventing, eliminating or reducing to acceptable levels risks to humans and animals, either directly or through the environment;
 - b) guaranteeing fair practices in feed and food trade and protecting consumer interests, including feed and food labelling and other forms of consumer information.

Control rules

1. 'official control'
2. 'verification'
3. 'feed law'
4. 'competent authority'
5. 'control body'
6. 'audit
7. 'inspection'
8. 'monitoring
9. 'surveillance'
10. 'non-compliance
11. 'sampling for analysis'
12. 'official certification'
13. 'official detention'
14. 'equivalence'
15. 'import'
16. 'introduction'
17. 'documentary check'
18. 'identity check'
19. 'physical check'
20. 'control plan'

Control rules

- **OFFICIAL CONTROLS BY MEMBER STATES**
- General obligations with regard to the organisation of official controls (Art. 3)
 - ensure that official controls are carried out regularly, on a risk basis and with appropriate frequency, so as to achieve the objectives of this Regulation taking account of:
 - identified risks associated with animals, feed or food.....
 - the reliability of any own checks that have already been carried out;

Control rules

- Official **controls shall be carried** out without prior warning,
- Official controls shall be carried out at any of the stages of production, processing and distribution of feed or food and of animals and animal products.
- Official controls shall be applied, with the same care (intra Community/export)
- The competent authority of the Member State **of destination**
 - may check compliance of feed and food with feed and food law by means of non-discriminatory checks
 - a Member State establishes noncompliance, it shall take the appropriate measures, which may include re-dispatch to the Member State of origin.

Control rules

COMPETENT AUTHORITIES

- Designation of competent authorities and operational criteria (Art. 4)
- Member States shall designate the competent authorities responsible for the purposes and official controls set out in this Regulation.
- The competent authorities shall ensure:
 - the effectiveness and appropriateness of official controls on live animals, feed and food at all stages of production, processing and distribution, and on the use of feed;
 - that staff carrying out official controls are free from any conflict of interest;

Control rules

- **The competent authorities shall ensure**
 - that they have, or **have access** to, an **adequate laboratory** capacity for testing and a **sufficient number of suitably qualified and experienced staff** so that official controls and control duties can be carried out efficiently and effectively
 - that they have appropriate and properly maintained **facilities**
 - and equipment to ensure that staff can perform official controls efficiently and effectively;
 - that they have the **legal powers** to carry out official controls and to take the measures provided for in this Regulation;
 - that they have **contingency plans in place**,
 - that the feed and **food business operators are obliged** to undergo any inspection carried out in accordance with this Regulation and to assist staff of the competent authority in the accomplishment of their tasks.

Control rules

- The competent authorities shall ensure:
- When, within a competent authority, **more than one unit is competent** to carry out official controls, efficient and effective **coordination** and **cooperation** shall be ensured between the different units.
- Competent authorities shall carry out **internal audits** or **may have external audits** carried out,
- **Application text: ? (Commission recommendation)**

- Delegation of specific tasks related to official controls
- The competent authority may delegate specific tasks related to official controls to one or more control bodies in accordance with paragraphs 2 to 4.
- Any Member State wishing to delegate a specific control task to a control body shall notify the Commission. This notification
- shall provide a detailed description of:
 - (a) the competent authority that would delegate the task;
 - (b) the task that it would delegate;
- and
 - (c) the control body to which it would delegate the task.

Control rules

- **Staff performing official controls**
- receive, for their area of competence, appropriate training enabling them to undertake their duties competently and to carry out official controls in a consistent manner.
- keep up to date in their area of competence and receive regular additional training as necessary;
- have aptitude for multidisciplinary cooperation.

Control rules

- **Transparency and confidentiality**
- The competent authorities shall ensure that they carry out their activities with a high level of transparency. For that purpose, relevant information held by them shall be made **available to the public** as soon as possible.

Control rules

- **Control and verification procedures**
- Competent authorities shall carry out official controls
 - in accordance with documented procedures. These procedures shall contain information and instructions for staff performing official controls
- **Competent authorities shall have procedures in place:**
 - to verify the effectiveness of official controls that they carry out;
 - to ensure that corrective action is taken when needed and that the documentation referred to in paragraph 1 is updated as appropriate.
- **The Commission may establish guidelines:**
 - see Commission recommendation/HACCP

Control rules

- **Reports**
- The competent authority shall draw up reports on the official controls that it has carried out. These reports shall include
 - a description of the purpose
 - the control methods applied,
 - the results
 - action that the business operator concerned is to take.
 - provide the business operator concerned with a copy of the report at least in case of non-compliance.

Control rules

- **Control activities, methods and techniques**
- **official controls shall be carried out using appropriate control methods and techniques such as:**
 - monitoring, surveillance, verification, audit, inspection, sampling and analysis.
- **Official controls shall include:**
 - examination of any control systems that feed and food business operators have put in place and the results obtained;
- **Inspection of:**
 - primary producers'
 - raw materials, ingredients, processing aids and ...
 - semi-finished products;
 - materials and articles intended to come into contact with food
 - cleaning and maintenance products and processes,

Control rules

- **Inspection of:**
 - labelling, presentation and advertising
 - checks on the hygiene conditions
 - assessment of procedures such as GMP, GHP and HACCP
 - examination of written material and other records
 - interviews with feed and food business operators and with their staff
 - the reading of values recorded by feed or food business measuring instruments;
 - controls carried out with the competent authority's own instruments
 - any other activity required

Control rules

- **Methods of sampling and analysis**
- internationally recognised rules or protocols, for example those that the European Committee for Standardisation (CEN)
- in the absence of the above, with other methods fit for the intended purpose or developed in accordance with scientific protocols.
- The competent authorities shall establish adequate procedures

Control rules

- **Official laboratories**
- The competent authority shall designate laboratories that may carry out the analysis of samples taken during official controls.
- Laboratories that operate and are assessed and accredited in accordance with the following European standards:
 - EN ISO/IEC 17025
 - EN 45002
 - EN 45003

Control rules

- **CRISIS MANAGEMENT**
 - Contingency plans for feed and food
- These contingency plans shall specify:
 - (a) the administrative authorities to be engaged;
 - (b) their powers and responsibilities;
- and
 - (c) channels and procedures for sharing information between the relevant parties
- review these contingency plans as appropriate,
- implementing measures may be adopted

Control rules

- **FINANCING OF OFFICIAL CONTROLS**
- Member States **may** collect fees or charges to cover the costs occasioned by official controls.
- **However**, as regards the activities referred to in Annex IV, section A, and Annex V, section A, Member States **shall ensure** the collection of a fee.

Control rules

- **OTHER PROVISIONS**
- **Official certification**
- **Registration/approval of feed and food business establishments**
 - **Competent authorities shall establish procedures for feed and food business operators to follow when applying for:**
 - **the registration** of their establishments in accordance with 852/2004 or Directive 95/69/EC or with the future regulation on feed
 - **the approval** of their establishments in accordance with 852/2004, Regulation (EC) No 854/2004, Directive 95/69/EC or with the future regulation on feed hygiene.

Control rules

- **REFERENCE LABORATORIES**
 - Community reference laboratories
 - National reference laboratories
- **ADMINISTRATIVE ASSISTANCE AND COOPERATION IN THE AREAS OF FEED AND FOOD**
 - Where the outcome of official controls on feed and food requires action in more than one Member State, competent authorities in the Member States concerned shall provide each other with administrative assistance.

Control rules

- **CONTROL PLANS**
- Multi-annual national control plans
 - In order to ensure the effective implementation each Member State shall prepare a single integrated multi-annual national control plan.
- Principles for the preparation of multi-annual national control plans
- Guidelines for multi-annual national control plans (Comission Recommendation 2005/175)
- **Annual reports**
- Member States shall submit to the Commission a report

Control rules

- **COMMUNITY ACTIVITIES**
- COMMUNITY CONTROLS in Member States
- Community controls in third countries
- TRAINING OF CONTROL STAFF
- **NATIONAL ENFORCEMENT MEASURES**
- Action in case of non-compliance
- Sanctions
- **COMMUNITY ENFORCEMENT MEASURES**
- Safeguard measures