

## QUESTIONNAIRE FOR TRADE ASSOCIATIONS AND OTHER REPRESENTATIVE GROUPS

### How to submit this form

Please use this interactive Adobe Acrobat document to fill in the survey. You can save a partially completed survey and circulate via email if inputs from more than one person are required. You may fill in as much text as may be required for each descriptive response.

Once you have finished please click the '**Submit**' icon located at the top right of the document to submit your response.

Alternatively, please attach a saved copy of the survey to an email and return to Elta Smith, GHK project manager: [elta.smith@ghkint.com](mailto:elta.smith@ghkint.com). If you have any questions then please contact Elta on +44 (0)20 7611 1100. The project manager from DG Health and Consumers is James Ridsdale at [James-Andrew.RIDSDALE@ec.europa.eu](mailto:James-Andrew.RIDSDALE@ec.europa.eu).

Please also feel free to contact GHK if you experience any technical problems while completing the questionnaire.

**Any information that you provide will be treated in the strictest confidence. Any analysis of the data will be presented anonymously in the report, and it will not be possible to identify individual respondents.**

## SECTION A: IDENTITY

### 1. Identification

**Please provide the following details:**

Organisation name:

Member State/ EU level operation (*please specify*):

Contact person:

Telephone number:

Email address:

## 2. Roles and Responsibilities

2.1 In the table below, please indicate the controls in which your membership has an interest:

**Official controls**

**My membership has a direct interest in the following**

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Approval of establishments that produce products of animal origin for human consumption

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Audit of fresh meat establishments (domestic ungulates, poultry and lagomorphs, farmed and wild gamed)

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Inspection of fresh meat establishments (including ante- and post-mortem inspection and animal welfare, *but not SRM controls and TSE testing*)

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Inspection of fresh meat establishments: SRM controls and TSE testing

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Checks at milk production holdings

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Checks on production and marketing of fishery products and aquaculture products

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Checks at other food establishments approved in accordance with Regulation 853/2004

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Checks on hygiene of foodstuffs at primary production holdings

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Checks on hygiene of foodstuffs at food establishments other than establishments approved in accordance with Regulation 853/2004

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Checks on animal health at holdings of origin for live animals

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Monitoring residues of veterinary medicines and other substances

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Approval of feed establishments

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Checks at feed establishments

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Approval of animal by-products establishments

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Checks at animal by-product establishments

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Checks on imported live animals

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**Official controls**

**My membership has a direct  
interest in the following**

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Checks on imported feed and food of animal origin

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Checks on imported feed and food of non-animal origin

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Checks on live animals and goods transiting the community

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Other activities (*please specify in the space below*):

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## SECTION B: DETAILED ASSESSMENT

### 3. Future trends in financing official controls

**3.1** What reforms, if any, are expected in the next three years in the financing of official controls which affect your membership?

**3.2** How is the level of resources allocated to official controls expected to change in the next three years?

**3.3** How is the level of cost recovery achieved on official controls expenditure expected to change in the next three years?

## 4. Option A – Full harmonisation

### 4.1 Option A1 – Full harmonisation with uniform fee rates

**Option Description:** Fees charged for controls are determined on a uniform basis across the EU (i.e. the same fee rates apply in each Member State).

Please indicate whether you agree or disagree with the advantages and disadvantages identified below for this option, and add any other advantages / disadvantages associated with this option.

#### Advantages

**Agree**

**Disagree**

Simplifies the process of monitoring Member States' compliance with the rules (through centralisation)

Improves transparency for all stakeholders (as both fees and activities would be fixed in EU law)

Reduces competition distortions amongst Member States and regions (as fees are all equal)

Harmonises fee levels for border controls (thereby addressing concerns for potential distortions at this level)

Reduces or eliminates distortions currently caused by different Member State approaches on fee charging for 'non-compulsory' (Article 17.1) activities

Increases harmonisation of official controls through detailed description per activity, defined on a common basis (e.g. concerning the ante and post mortem inspections, to guarantee the same level and standard of controls throughout the EU)

Other advantages (*please describe in the space below*)

#### Disadvantages

**Agree**

**Disagree**

Does not create a level-playing field in the EU27 (on the contrary, it can increase differences if some Member States cannot cover their costs on this basis, or if the rate of cost-recovery achieved through these fees varies greatly between Member States)

It is difficult in practice to find a common denominator between Member States for the level of fees for domestic controls, and to develop a common *bonus-malus* system

Finding a common basis for all EU27 may result in reverting to the lowest common denominator, thereby jeopardising the overall progress achieved so far in the effectiveness and efficiency of the official controls at EU level

**Disadvantages**

**Agree**

**Disagree**

Would not provide incentives for efficiency gains to be made where needed

May pose interpretation problems, and result in different approaches (as currently occurs), if the provisions are not explicit

Other disadvantages (*please describe in the space below*)

If you have any other comments on this option, please add them here:

**4.2 Option A2 – Full harmonisation with fee rates adjusted by a cost of living index**

**Option Description:** The fees charged for the provision of controls are determined on a uniform basis for the EU as a whole but are adjusted for each Member State by a cost of living index (e.g. on the basis of Purchasing Power Parity, or other price indexes).

Please indicate whether you agree or disagree with the advantages and disadvantages identified below for this option, and add any other advantages / disadvantages associated with this option.

**Advantages**

**Agree**

**Disagree**

Simplifies the process of monitoring Member States' compliance with the rules (through centralisation)

Improves transparency for all stakeholders (as both fees and activities would be fixed in EU law)

Reduces competition distortions amongst Member States and regions (as fees are all equal)

Harmonises fee levels for border controls (thereby addressing concerns for potential distortions at this level)

**Advantages**

**Agree**

**Disagree**

Reduces or eliminates distortions currently caused by different Member State approaches on fee charging for ‘non-compulsory’ (Article 17.1) activities

Increases harmonisation of official controls through detailed description per activity, defined on a common basis (e.g. concerning the ante and post mortem inspections, to guarantee the same level and standard of controls throughout the EU)

Other advantages (*please describe in the space below*)

**Disadvantages**

**Agree**

**Disagree**

Does not create a level-playing field in the EU27 (on the contrary, it can increase differences if some Member States cannot cover their costs on this basis, or if the rate of cost-recovery achieved through these fees varies greatly between Member States)

It is difficult in practice to find a common denominator between Member States for the level of fees for domestic controls, and to develop a common *bonus-malus* system

Finding a common basis for all EU27 may result in reverting to the lowest common denominator, thereby jeopardising the overall progress achieved so far in the effectiveness and efficiency of the official controls at EU level

Would not provide incentives for efficiency gains to be made where needed

May pose interpretation problems, and result in different approaches (as currently occurs), if the provisions are not explicit

Other disadvantages (*please describe in the space below*)

If you have any other comments on this option, please add them here:

## 5. Option B – Full subsidiarity

**Option Description:** Each Member State would decide the approach to follow for determining the fees charged for the provision of controls. It would be obliged by Regulation 882/2004 to allocate “sufficient resources” to the purpose and to inform the Commission on the resources allocated.

Please indicate whether you agree or disagree with the advantages and disadvantages identified below for this option, and add any other advantages / disadvantages associated with this option.

### Advantages

**Agree**

**Disagree**

Simplify the process of monitoring Member States’ compliance with the rules (through centralisation)

Improve transparency through a common agenda across the EU

Increase flexibility to adapt to changing situations at Member State and/or EU level

Greater potential to cover real costs

Potential to engage CAs and FBOs in a common agenda in order to pursue reforms that promote greater cost-efficiency and effectiveness

Flexibility to adapt to country specific economic conditions and administrative/industry structures

Other advantages (*please describe in the space below*)

### Disadvantages

**Agree**

**Disagree**

Can increase variability in fees between Member States

Stimulate (or increase) competition distortions

Increase variability in the effectiveness and efficiency of the controls at MS levels, thus undermining the performance of the system at EU level

**Disadvantages**

**Agree**

**Disagree**

Reduce transparency where the system fails to motivate the CAs and the business community to pursue common objectives

Other disadvantages (*please describe in the space below*)

If you have any other comments on this option, please add them here:

**6. Option C – Improve the current system**

The following questions relate to a series of potential improvements that could be made to the current system. Each option can be considered independently of the other options.

**6.1 Time-based fees and flat fees**

**Option Description:** Regulation 882/2004 would require that:

- Time-based fees are applied to official controls for which the continuous or systematic presence of officials is required; and
- A flat rate fee must be introduced to finance those controls outside the scope of the time-based fees described above. It is assumed that fees would be set according to local costs but under common rules.

6.1.1 Please indicate the official controls you would expect to be covered by time-based fees where officials must be present on a continuous or systematic basis.

6.1.2 Please indicate the impacts of introducing time-based fees for such controls (where other controls are subject to flat-fees).

**Positive impacts**

**Negative impacts**

If you have any other comments on this option, please add them here:

6.1.3 Please rank the following four options by order of preference for setting time-based fees for official controls where officials must be present on a continuous or systematic basis. *(Rank on a 1-4 scale, where 1 = best option and 4 = worst option)*

*Fees based on a standard, EU-wide hourly rate*

*Fees based on a standard, EU-wide hourly rate, indexed in each Member State by a cost-of-living adjustment*

*Fees based on MS costs as prescribed under the common EU rules*

*Fees based on a detailed calculation of costs (i.e. local costs determined under common rules)*

**Rank**

## 6.2 EU harmonised fees for certain import controls

**Option Description:** Certain import controls, where there is a higher degree of harmonisation (e.g. BIPS and DPEs) would be subject to a harmonised set of fees (i.e. a single uniform price at all EU border points).

6.2.1 Please indicate the impact of applying harmonised (EU-wide) fees for import controls where there is a higher degree of harmonisation?

**Positive impacts**

**Negative impacts**

If you have any other comments on this option, please add them here:

### 6.3 Clear definition of eligible costs

**Option Description:** Regulation 882/2004 is changed to limit cost recovery from fees to only those fees directly linked to the official controls performed and where Annex VI defines eligible costs as indicated in the table below.

6.3.1 Please indicate whether you agree with the inclusion of each proposed cost category, and add others or alternative wording that you think is needed.

<b>Cost category</b>	<b>Agree</b>	<b>Disagree</b>
Salaries for inspectors, including social contributions		
Tools and instruments to be used during inspections		
Out of office hours activities		
Travelling linked to the official controls		
Training of inspectors		
Quota of administrative costs linked to the inspection activities (including planning)		
Costs of sampling and analytical analysis (when needed)		
Other categories or wording proposed ( <i>please indicate in the spaces provided below</i> ):		

6.3.2 Please indicate whether the above list could provide for adequate recovery of overhead costs for competent authorities (and, if not, please indicate how overhead costs should be specified in Annex VI)

6.3.3 Please indicate whether the above list (with your amendments, if given) would resolve the problem of Annex 6 being interpreted differently around the EU?

#### 6.4 Extension of scope of mandatory fees

**Option Description:** Article 27 of Regulation 882/2004 is changed so that certain official controls are transferred from the ‘non-mandatory’ category to the ‘mandatory’ category (i.e. increasing the number of official controls for which Member States are obliged to collect fees).

6.4.1 Please indicate the practical impact of the mandatory / non-mandatory classification of fees in Article 27 of Regulation 882/2004 on the fees and financing strategy at Member State level.

6.4.2 Please indicate the positive and negative impacts of classifying fees as ‘mandatory’ under Article 27.

**Positive impacts**

**Negative impacts**

If you have any other comments on this option, please add them here:

6.4.3 Please indicate whether there are controls on which fees are currently non-mandatory (under Article 27 of Regulation 882/2004) but which should be moved to the mandatory fees category.

6.4.4 Please indicate the potential impact of this change.

**6.5 Exemptions and reductions for micro-enterprises**

**Option Description:** Regulation 882/2004 is changed to provide reduced fees or fee exemptions for micro-enterprises.

6.5.1 Please indicate how Regulation 882 should address the issue of discounts and exemptions from the mandatory fees for micro-enterprises.

*No mention and no special terms for micro-enterprises*

*Provide a universal exemption for micro-enterprises from mandatory fees governed by Regulation 882/2004*

*Provide an option for Competent Authorities to create exemptions or discounts within the fee schedule of individual official control schemes*

Preferred approach (*choose one only*):

If you have any other comments on this option, please add them here:

6.5.2 Please indicate the potential impacts of a micro-enterprise exemption on competent authorities.

6.5.3 Please indicate the potential impacts of a micro-enterprise exemption on the food chain.

## 6.6 Transparency and reporting

**Option Description:** Regulation 882/2004 is changed to:

- Require Member States to supply the Commission with information regarding the financial resources devoted to official controls each year (through the annual report based on Art.44 of the Regulation and in the context of the multi-annual national control plans mentioned in Art. 41); and
- Require Member States to make public information on fees (the implementing rules, the process by which fees are reviewed, the calculation method), modalities of payment and other administrative procedures.

A separate enquiry is being sent to each Member State contact point to ask about the administrative burden associated with supplying the Commission with information on financial resources devoted to official controls each year.

6.6.1 Please indicate the impacts associated with requiring Member States to make public information on fees (i.e. the implementing rules, the process by which fees are reviewed, the calculation method, modalities of payment and other administrative procedures).

**Positive impacts**

**Negative impacts**

If you have any other comments on this option, please add them here:

## 6.7 Industry participation and right of appeal

**Option Description:** Regulation 882/2004 is changed to give food business operators the right to:

- Participate in the process of setting the structure and level of fee rates; and/or to
- Appeal against the individual fee rates set on a business (i.e. a right of review of fees, assessed against objective factors).

6.7.1 Please describe how (if at all) food business operators (FBOs) and other stakeholders are involved in setting fee schedules for official controls that affect your membership.

6.7.2 Please indicate the positive and negative impacts of amending Regulation 882/2004 to include a right of participation for FBOs in setting fee schedules.

**Positive impacts**

**Negative impacts**

If you have any other comments on this option, please add them here:

6.7.3 Please describe the appeal process that an individual food business operator can use to appeal against fees charged to it under the official controls that affect your membership.

6.7.4 Please indicate the positive and negative impacts of amending Regulation 882/2004 to provide each FBO with the right to an appeals process for use when that business wishes to appeal against fees levied on the business.

**Positive impacts**

**Negative impacts**

If you have any other comments on this option, please add them here:

6.7.5 Please indicate how these amendments could be specified so as to maximise their positive impacts and minimise their negative impacts?

## 6.8 Bonus-malus systems

**Option Description:** Regulation 882/2004 is changed to incorporate or support bonus-malus systems so that the fee structure rewards the best performers and penalises the worst performers. The bonus-malus system would be consistent with the general principles governing fees on official controls under the Regulation.

6.8.1 Please indicate how Regulation 882/2004, Articles 26-29 can effectively promote bonus-malus principles.

### 6.9 Full cost recovery

**Option Description:** Regulation 882/2004 imposes a legal requirement on Member States to achieve full recovery of the (eligible) costs for official controls.

6.9.1 Please indicate the impacts if Regulation 882/2004 included a legal requirement on Member States to achieve full recovery of the (eligible) costs for official controls?

**Positive impacts**

**Negative impacts**

If you have any other comments on this option, please add them here:

### 6.10 Ring-fencing of resources

**Option Description:** Regulation 882/2004 introduces a legal requirement on Member States that fee revenue is used exclusively to cover the costs of the official controls for which they are being charged.

6.10.1 Please indicate the impact of Regulation 882/2004 where it introduces a requirement that fee revenue is used exclusively to cover the costs of the official controls for which they are being charged (directly with a budget line or indirectly through the general budget)?

**Positive impacts**

**Negative impacts**

If you have any other comments on this option, please add them here:

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**Thank you very much for your time and valuable contribution to the evaluation.**

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