



## COMMISSION PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL LAYING DOWN SPECIFIC RULES FOR THE ORGANISATION OF OFFICIAL CONTROLS ON PRODUCTS OF ANIMAL ORIGIN INTENDED FOR HUMAN CONSUMPTION

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### Introduction

On 14 July 2000 the Commission adopted a package of 5 proposals to recast existing Community legislation on food hygiene and veterinary legislation that is currently contained in 17 Directives [document COM (2000) 438]. One of these proposals was laying down detailed rules for the organisation of official controls on products of animal origin intended for human consumption [2000/180 (COD)].

Since the time these proposals were made new developments have taken place, so that the Commission decided, on 11 December 2001, to withdraw the proposal contained in Document 2000/180 (COD), and to submit a revised proposal.

The revised proposal is a proposal for a Regulation, which concerns mainly official controls of fresh meat. However, the risk management measures for live bivalve molluscs as well as for milk and milk products, have also been included in the proposal.

The European Parliament and the Council are currently discussing the proposal, for adoption under the co-decision procedure.

FVE is the umbrella body for veterinary organisations from more than 30 European countries, including all EU and EFTA countries and most of Eastern and Central European countries.

FVE represents in Europe the veterinary profession, which is taking a prominent role in the organisation and implementation of the official controls on products of animal origin intended for human consumption.

FVE also includes four specialised groups, each representing a specific branch of the profession.

- Practising Veterinarians (UEVP)
- Hygienists and Public Health Veterinarians (UEVH)
- State Veterinary Officers (EASVO)
- Veterinarians in Industry and Research (FEVIR)

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## **Position**

FVE welcomes the Commission proposal for a Regulation of the European Parliament and of the Council laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption.

FVE supports the aim of the Commission to make meat inspection risk-based, to integrate the stable-to table approach in the meat inspection system, to create a clear division of responsibilities between slaughterhouse operators and competent authorities and to bring meat inspection procedures in line with other new Community legislation. The proposal is a right step towards achieving that aim.

FVE is however concerned that the changes foreseen, and in particular those most welcomed about the information flows, are very ambitious and that the farming community as well as food operators might not be able to move that far that quickly. What might be realistic to achieve or is already in place in integrated production units operating under quality assurance schemes will take much more time to develop and implement in the other sectors.

FVE agrees that meat inspection must be modernised and that the HACCP principles should underpin that modernisation. FVE also agrees that the resources should be properly allocated and that the role of official veterinarians is in future to evolve into that of management and supervision of inspection teams. Yet, FVE regrets that there is still no limit to the number of auxiliaries that may be included in an inspection team. Furthermore, FVE cannot support that technicians employed by the operators themselves could serve as auxiliaries of an inspection team.

FVE agrees that the approach proposed will have to be applied with some degree of flexibility in the smallest slaughterhouses. However, this flexibility should not result in lower standards and it is therefore not acceptable to leave in small establishments the door open to post-mortem inspections being carried out by auxiliaries on their own.

The BSE crisis, the dioxin contamination, the Foot and Mouth Disease and Classical Swine Fever outbreaks, the continuous breaches of the EU welfare requirements on the transport of live animals and the late scandal on the illegal use of veterinary medicinal products in some Member States clearly demonstrate that there is a need to do better in order to ensure a high level of protection of consumers and protect animal health and welfare.

FVE is therefore firmly convinced that only sound and independent veterinary controls throughout the whole food-chain can contribute to restore consumer confidence and provide for a high level of protection of consumers as well as protect animal health and welfare.

## **Detailed comments**

### ***Information flow (amendments 1 and 7)***

Although a two-way information flow will be difficult to implement for many farmers, slaughterhouse operators and competent authorities, FVE welcomes the emphasis placed on the information flow between farms and slaughterhouses. This should however be extended to the dairy sector.

FVE especially welcomes the reference to two-way communication systems, with results of *ante-* and *post-mortem* inspection being fed back to the farm of origin and the veterinary practitioner attending the animals on that farm.

### ***Alternative meat inspection***

FVE supports the envisaged alternative meat inspection procedures for animals raised under controlled housing conditions, provided there is a satisfactory flow of information between the holding and the slaughterhouse and a regular veterinary supervision of the holding.

FVE wants however to insist that this alternative meat inspection procedures can only be applied in integrated production system with up- and running information chain from farms to slaughterhouses, as recommended by the Scientific Committee on Veterinary Measures relating to Public Health (SCVPH) in its opinion adopted on 20-21 June 2001 on *Identification of species/categories of meat producing animals in integrated production systems where meat inspection may be revised*.

Furthermore, considering the guidelines proposed by the SCVPH for establishing an integrated production system, and in particular the need for *free flow of information and transparency between all parties in the system*, it must be stressed that only a small part of European farms today meets these requirements. Therefore, the implementation of these alternative approaches can initially be only limited. It is thus important to insist that the existing – yet modernised to take account of science and risk (see point below on specific hazards) - meat inspection procedures must continue to apply to the vast majority of slaughtered animals.

### ***Involvement of plant technicians in official inspection duties (amendment 5)***

FVE is also concerned with the proposal that technicians employed by the operators could be part of an official inspection team. Even though this approach might have now been in place in the poultry sector for some years, FVE firmly believes that, at a time where consumer confidence must be restored, extending such an approach any further would give a wrong signal to consumers. Furthermore, there are evident conflicts of interests that the Commission cannot ignore. FVE can therefore not support this part of the Commission proposal.

### ***Ante-mortem inspection (amendment 2)***

FVE fully supports the view that before slaughter, all animals must undergo an *ante-mortem* inspection performed by a veterinary surgeon. The recent FMD outbreak demonstrates the importance of the *ante-mortem* inspection and of the veterinary surgeon diagnosing animal disease during the *ante-mortem* inspection.

Regarding the performance of *ante-mortem* inspection at the farm, FVE believes that only parts of the *ante-mortem* inspection can be transferred from the slaughterhouse to the farm and that there will still be in the slaughterhouse a need for a documentary check, for a control of the welfare of the animals after their transport and for verifying that the animals do not show signs of a disease that may affect public health or animal health.

This is properly addressed in the proposal. However, it is important to stress that when *ante-mortem* inspection is performed at the farm, the animals should be sent directly from the farm to the slaughterhouse and not be mixed with animals from another holding. Also, for pigs, *ante-mortem* inspection at the farm should be limited to fattening pigs raised indoors, under controlled housing conditions and with a flow of information between the holding of origin and the slaughterhouse.

### ***Post-mortem inspection***

FVE accepts the principle that official veterinarians may be assisted by auxiliaries placed under their authority and responsibility for carrying out *post-mortem* inspection. However, there must be a limit to the number of auxiliaries who may be included in an inspection team and the presence of the official veterinarian on the line must be mandatory.

There is otherwise a risk that, in order to reduce inspection costs, some inspection teams may become composed of too many auxiliaries with too little official veterinarian to supervise their work.

This issue has now been discussed for many years but in the present context and given the need to restore consumer confidence in food and in food control procedures, it would seem important to ensure that inspection teams retain a proper balance between official veterinarians and auxiliaries allowing the former to effectively supervise the work of their auxiliaries.

### ***Small establishments (amendments 3 and 4)***

Although the provisions concerning the frequency of controls in small establishments have been considerably improved compared to those of the previous Commission proposal<sup>1</sup>, FVE is still concerned that the proposed provisions do not respond to the EU objective of ensuring the highest level of consumer protection.

FVE is indeed concerned and cannot support the idea that for small establishments Member States could be relieved from the obligation to have an official veterinarian present throughout both the *ante-* and *post-mortem* inspections. The idea that *post-mortem* inspections could be performed by anyone but an official veterinarian in small establishments is a step backward for consumer protection. Risk is indeed as high in small establishments as in large ones and there is no reason why control should be less stringent or performed by less qualified personnel in such slaughterhouses.

Residue control, animal health and welfare, BSE control measures require the presence of the official veterinarian throughout both the *ante-* and *post-mortem* inspection in all slaughterhouses, be they high- or low-capacity slaughterhouses.

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<sup>1</sup> Commission proposal for a Regulation of the European Parliament and of the Council laying down detailed rules for the organisation of official controls on products of animal origin intended for human consumption [Document 2000/180 (COD)].

FVE appreciates that it might not be possible for State veterinary officers to be present in all slaughterhouses. However, in many EU Member States veterinary practitioners are also involved in meat inspection procedures and support the work of the competent authorities. At a time where there are increasing criticisms of the Common Agricultural Policy, at a time where there is growing pressure to limit the transport of live animals and to have them slaughtered as near as possible to their place of fattening, the EU must support low-capacity slaughterhouses, which provide for slaughtering capacities close to the place of production and where meat inspection can be performed by local veterinary practitioners.

This is also a way to contribute to maintain a veterinary network in those rural areas, where running a veterinary practice might be an uneconomical prospect.

FVE holds the view that a sound veterinary network is necessary to prevent and control contagious diseases such as FMD. FVE understands that these views are shared by a number of Member States and it would therefore be wise to maintain the presence of veterinary surgeons in small slaughterhouses at a time where measures must be introduced to re-establish and maintain this sound veterinary network in rural areas.

Last but not least, there is no longer a definition of a small establishment, which leaves the room open for all sorts of interpretation. And, if it is intended that the notion of *small establishment* will be defined through 'comitology' procedures, it will however leave the European Parliament and representatives of the civil society, such as FVE or consumer organisations, no say on decisions, which, if applied extensively, could seriously undermine consumer protection.

### ***Training (amendment 6)***

FVE agrees with and support the training requirements proposed for official veterinarians as well as the obligation for official veterinarians to maintain up-to-date their professional knowledge.

These requirements are however set at a very high level. If full time official veterinarians, with responsibilities for the supervision of large slaughterhouses should in future meet these requirements, it should however not be forgotten that, in many small establishments, practicing veterinarians, employed as part-time official veterinarians, perform meat inspection. Here again, there will be a need for flexibility for those official veterinarians involved in small establishments. Although one should not compromise on the knowledge required to ensure a high level of consumer protection, it would seem however, taking into account the basic training a veterinary surgeon, that only part of these additional requirements need to be met to ensure a proper meat inspection in those establishments, which will slaughter a few animals per week.

### ***Specific hazards***

FVE supports the different proposals to deal with the specific hazards listed. There is indeed a need to modernise traditional meat inspection on the basis of science and risk and to avoid operations, such as manipulations and incisions, when there are unnecessary, in order to limit contamination of carcasses.

### Suggested amendment 1

Annex I, Chapter 1, I, 2, H, 1, footnote 8

#### Commission proposal

Where there is the necessity to find evidence for not respecting good veterinary practice or for illegal use of pharmaceutical substances, the official findings shall not be communicated to the private veterinarian and the person responsible for the holding.

#### Suggested amendment

**Without prejudice of the need to restrict any feedback of information for the purpose of any investigation, which might be conducted by the Competent Authorities.**

#### Justification

The purpose of feeding back this information is to address at farm level problems, which might have been identified during the inspection process.

If residues have been found above the tolerated level, this would be in most cases the result of non-compliance with the recommended waiting period between the treatment of an animal and its slaughter. In such cases, it would be particularly important for the veterinarian attending the animals to be informed of these findings, in order to alert the owner of the animals on the obligation to comply with the recommended waiting periods.

However, if residues of pharmaceutical substances used illegally are found, there might indeed be a need to restrict the circulation of the information for the purpose of any investigation, which might be conducted by the Competent Authorities.

**Suggested amendment 2**  
Annex I, Chapter 2, II, 2, a, 2<sup>nd</sup> indent, i

Commission proposal

ante-mortem inspection shall be carried out by the official veterinarian, but may take place at the holding of provenance;

Suggested amendment

ante-mortem inspection shall be carried out by the official veterinarian, but may take place at the holding of provenance, **where provided for in this Regulation;**

Justification

Self explanatory.

**Suggested amendment 3**  
Annex I, Chapter 2, II, 2, a, 2<sup>nd</sup> indent, ii

Commission proposal

Suggested amendment

the permanent presence of the official veterinarian during post-mortem inspection is not required, provided that an official auxiliary carries out post-mortem inspection, and that meat with abnormalities is put aside and inspected by the official veterinarian; a documented control system shall be put in place that allows the official veterinarian to be satisfied that standards are being met.

**delete**

Justification

The proposed provisions do not respond to the EU objective of ensuring the highest level of consumer protection.

The idea that *post-mortem* inspections could be performed by anyone but an official veterinarian in small establishments is a step backward for consumer protection. Risk is indeed as high in small establishments as in large ones and there is no reason why control should be less stringent or performed by less qualified personnel in such slaughterhouses.

Residue control, animal health and welfare, BSE control measures require the presence of the official veterinarian throughout both the *ante-* and *post-mortem* inspection in all slaughterhouses, be they high- or low-capacity slaughterhouses.

If it might not be possible for State veterinary officers to be present in all slaughterhouses, in many EU Member States veterinary practitioners are also involved in meat inspection procedures and support the work of the competent authorities. At a time where there are increasing criticisms of the Common Agricultural Policy, at a time where there is growing pressure to limit the transport of live animals and to have them slaughtered as near as possible to their place of fattening, the EU must support low-capacity slaughterhouses, which provide for slaughtering capacities close to the place of production and where meat inspection can be performed by local veterinary practitioners.

This is also a way to contribute to maintain a veterinary network in those rural areas, where running a veterinary practice might be an uneconomical prospect.

A sound veterinary network is necessary to prevent and control contagious diseases such as FMD. It would therefore be wise to maintain the presence of veterinary surgeons in small slaughterhouses at a time where measures must be introduced to re-establish and maintain this sound veterinary network in rural areas.

**Suggested amendment 4**  
Annex I, Chapter 2, II, 2, a, 3<sup>rd</sup> indent

Commission proposal

Suggested amendment

In the case of poultry, this flexibility can, on the basis of a case-by-case analysis of the risks by the competent authority, be applied in other slaughterhouses than small ones.

**delete**

Justification

The flexibility foreseen for the ante-mortem inspection is already covered under Chapter 3, V, A on the specific requirements for the ante-mortem inspection of poultry, including inspection at the holding.

The flexibility foreseen for the post-mortem inspection is not acceptable for the reasons stated under amendment 3. The post-mortem inspection must remain under the direct supervision of an official veterinarian.

**Suggested amendment 5**  
Annex I, Chapter 2, III

Commission proposal

Suggested amendment

**III. INVOLVEMENT OF STAFF OF THE ESTABLISHMENT**

**delete**

1. Member States may allow staff of the establishment to carry out activities of official auxiliaries in the control on the production of poultry and rabbit meat.

The following conditions apply:

(a) Where the establishment has successfully been operating, for at least 12 months, good hygienic practices and HACCP-based procedures, the competent authority may permit staff of the establishment, having received a training equivalent to the training of official auxiliaries, and having passed the same test, to carry out tasks of official auxiliaries under the supervision of the official veterinarian. The official veterinarian then shall be present throughout ante- and post-mortem inspection, shall supervise these activities and carry out regular performance tests to ascertain that the performance of the staff of the establishment meets specific criteria set by the competent authority, and shall document the results of these performance tests. When necessary, detailed rules concerning the performance tests shall be adopted in accordance with the procedure referred to in Article 6. When the level of hygiene in the establishment decreases due to the functioning of this staff, or when tasks are not properly carried out by this staff, or, in general, when this staff carries out its activities in a manner that is not satisfactory according to the competent authority, this staff shall be replaced by official auxiliaries.

(b) The competent authority of the Member State shall decide in principle and on a case by case basis whether to allow for the implementation of the system described above. If the Member State decides to do so in principle, it should inform the Commission about this decision and the conditions thereof. For meat establishments in a Member State where the system described above is implemented, the actual use of the system is optional. Meat establishments shall not be forced by the competent authority to introduce the system described above. When the competent authority is not convinced that the meat establishment meets the requirements, the system shall not be implemented in the establishment.

To assess this, the competent authority shall conduct an analysis of production and inspection records, the type of activities undertaken in the establishment, history of compliance with

legislation, expertise, professional attitude and sense of responsibility as regards food safety of the staff of the establishment and other relevant information.

2. Member States with at least five years of experience with staff of establishments carrying out inspection tasks in the poultry sector, may extend the system to the fattening pig and the fattening veal sectors under the following conditions:

(a) The Member State concerned shall submit an evaluation report to the Commission and the Member States proving that the system has, during these five years, operated successfully in the poultry sector.

(b) The Food and Veterinary Office of the Commission shall, when deemed necessary by the Commission, carry out an audit of the system in the Member State to confirm its successful operation.

(c) The Commission can require that the Member State returns to inspection of fattening pigs or fattening veal calves by official auxiliaries or takes any other appropriate measure, when a report of the Food and Veterinary Office or other information indicates that the Member State may not be able to guarantee adequate hygiene or inspection in the pig or veal meat establishments. The conditions applying to the implementation of the system in the poultry sector, mentioned under 1 (a) and 1 (b), shall also apply to the implementation of the system in the fattening pig and fattening veal sectors.

3. Staff of the establishment having received specific training, under the supervision of the official veterinarian, may, under the responsibility and the supervision of the official veterinarian, carry out specific sampling and testing.

### Justification

It is of great concerns that technicians employed by the operators could be part of an official inspection team. Even though this approach might have now been in place in the poultry sector for some years, extending such an approach any further, at a time where consumer confidence in food safety still has to be restored, would give a wrong signal. Furthermore, there are evident conflicts of interests that cannot be ignored.

**Suggested amendment 6**  
Annex I, Chapter 2, IV, A, 8 (new paragraph)

Commission proposal

Suggested amendment

8. Member States may derogate from the obligations of paragraphs 1 to 5 for those veterinarians appointed as official veterinarian in small slaughterhouses and small game handling establishments.

**Justification**

The requirements of paragraphs 1 to 5 are set at a very high level. If full time official veterinarians, with responsibilities for the supervision of large slaughterhouses should in future meet these requirements, it should however not be forgotten that, in many small establishments, practicing veterinarians, employed as part-time official veterinarians, perform meat inspection. There will be a need for flexibility for those official veterinarians involved in small establishments. Although one should not compromise on the knowledge required to ensure a high level of consumer protection, it would seem however, taking into account the basic training a veterinary surgeon, that only part of these additional requirements need to be met to ensure a proper meat inspection in those establishments, which will slaughter a few animals per week.

**Suggested amendment 7**  
Annex IV, B, 4 (new)

Commission proposal

Suggested amendment

4. Any information relating to the non-compliance of raw milk with the agreed standards shall also be communicated to the competent authority responsible for supervising the holding of provenance of the milk and the private veterinarian attending the holding of provenance.

Following such communication, action must be taken by the person responsible for the holding of provenance, to remedy the situation where appropriate.

Justification

Like for meat inspection, it is critical that information on non-compliance with established standards shall also be fed back to the veterinarian attending the animals on the farm and advising the farmer.