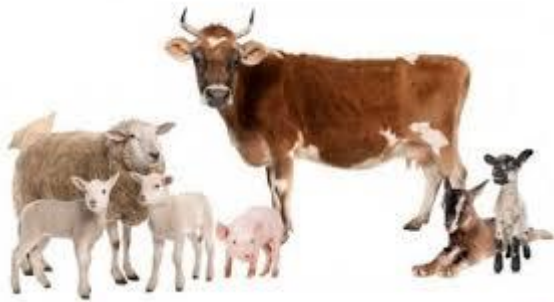


The Transparency principle and the Official Controls Regulation (EU) 2017/625 of the European Parliament and the Council (OCR)



28 November 2019



Please note:

In the presentation the following abbreviations will be used:

OC(s) - Official Control(s)

CA(s) – Competent Authorities

MS(s) – Member State(s)

OCR – Official Controls Regulation

OV(s) – Official Veterinarian(s)

NC – non-compliance

Transparency is one of the founding principles of EU legislation

Whenever Regulation (EU) 2027/625 refers to the activities performed by the CAs, it makes clear they have to be carried out in a transparent way.

Transparency shall be ensured in respect of all the (possibly) involved subjects: the public as a whole, the operators, other CAs, other MSs, the Commission, etc.



Transparency is not only an obligation,

It is **an approach to the CAs' mission.**

Official Controls on the operators and
Other Official Activities shall be carried
out in full transparency



*“Competent authorities shall perform
official controls with a high level of
transparency” [art 11]*

Any other activity carried out by the CAs in the framework of the OCR

Shall be shaped in transparency:

- **Internal audits** “shall be subject to independent scrutiny and carried out *in a transparent manner*” [art.6.2]
- **Rating schemes to attribute** to each individual operator a score reflecting, based on the outcome of OCs, his/her actual level of compliance with the relevant rules, **shall be “objective and transparent”** [art. 11.3]



The establishment and collection of fees & charges

To ensure the necessary financial resources to perform OCs and other official activities shall be carried out in a transparent way

MSs shall ensure a **high level of transparency** on:

- the **method** and data used to establish fees or charges;
- the **amount** of the fees or charges,
- the **breakdown of the costs**

[art. 85]



Notably, transparency means communication

It means to **make available to the public** (and the operators), at least once a year, information on the **organisation and performance of OCs** and other official activities, including:

- the **type, number and outcome of OCs**;
- the **type and number of cases of NC** detected;
- the type and number of cases where **enforcement measures** were taken and **penalties** where imposed by the CAs [art. 11.1]



OCs procedures, plans and records

Shall be **made public** as well, as far as this **does not impact** on

- the **OCs' efficacy** (e.g. no publicity of a food fraud investigation plan),
- the **judicial investigations** or the protection of court proceedings
- the **confidentiality** obligation (e.g. no publication of industrial/processing Secrets or personal data *unless there is an overriding public interest in the disclosure of information*)



RIGHT TO 
INFORMATION

Transparency means information



The **operators** have the right

- to receive a **copy of the records of the OCs** performed by the CAs and shall
- to be promptly **informed** in writing of any case **of NC identified** through the OCs
- to be informed of his/her **right of appeal** against the decisions and measures taken by the CAs



Transparency means information



The **operators have the right to be informed** so to be able

- To **comment on the information** that the competent authority intends to publish or make otherwise available to the public (art. 8.5)
- To have any **inaccuracies** in the information made available to the public appropriately **rectified** (art.11.2)



Transparency means information

The **public** has the right to be informed

- About the **CAs** that have been **designated** for each of the areas where OCs performed (art. 4.4)
- where there are reasonable grounds to suspect that a **food or feed** may **present a risk for health**



Transparency means information



The **public** has the right to be informed

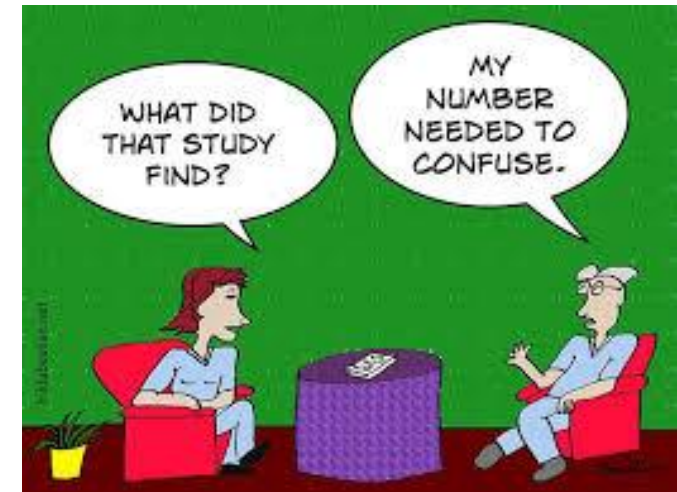
- on the contents of the **Multi Annual National Control Plan** governing the organisation and performance of OCs (art. 111.1) and its relevant **outcomes** (art. 114.1)
- the name and address of each national **reference laboratory** (art. 100.4) and the **methods used for analyses**, tests or diagnoses performed in the context of official controls and other official activities (art. 38.3)

Transparency means to permit the consumers to make informed choices



CAs may **publish information about the rating** of individual operators based on the outcome of one or more OCs, provided that :

- the rating **criteria are objective, transparent and publicly available**; and
- appropriate arrangements are in place to ensure the **fairness, consistency and transparency** of the rating process.



Transparency means to share data

- CAs shall regularly **make available** to the public the information on the established fees and charges the required amount and **the costs sustained by the relevant CA** to perform OCS for which a fee or charge is due
- **Relevant stakeholders** shall be consulted on the general methods of calculation of fees



Conclusion

- All the activities planned, performed and reported by the CAs, shall be carried out in a fully transparent way
- Transparency means communication and publicity
- Transparency means that both the public as a whole, the consumers and the business operators shall have the right to know, to express their requests and to appeal against the the decisions and measures taken by the CAs





**THANK
YOU
FOR
LISTENING TO
MY PRESENTATION**