

Animal and plant health package: smarter rules for safer food

The agri-food industry is worth around €750 billion a year and employs over 48 million people, making it the second largest economic sector in the EU.

Ensuring a high level of health for humans, animals, and plants is one of the objectives in the EU treaties. Current rules in this area have so far proven to be effective in preventing and countering risks. However, experience has shown there is a need to simplify and update these rules and to further integrate the approach across the different areas in the agri-food chain. The safety of the EU's agri-food industry is essential not only to ensure consumer safety, but also to ensure the sustainability of food produced in the EU.

Europe's agriculture, forests and biodiversity are also under threat from pests and diseases that attack plants. The number of new pest species in Europe has increased, largely as a result of trade globalisation and climate change. Reforming plant health rules will help with the early eradication of new pest species and help stop them entering the EU.

Current rules relating to plant and animal health are complex. Modernised and simplified rules would allow a more risk-based approach to animal and plant health, which in turn would help the eradication of animal diseases and plant pests, and indirectly improve food safety.

The negotiations between the European Parliament and the Council on the proposed Regulation on animal health were finalised in June 2015 and the Regulation was adopted on 9 March and published on 31 March 2016. It will apply from 21 April 2021.

The negotiations between the European Parliament and the Council on the proposed regulation on plant health were finalised in December 2015. The Council finalised its first reading on 18 July 2016, fully reflecting the agreement reached between the two co-legislators, and the European Parliament's plenary adopted that same text, at second reading on 26 October 2016. The regulation was published in the Official Journal of the EU in November 2016.

The negotiations between the European Parliament and the Council on the proposed regulation on official controls were finalised in June 2016. The Council has adopted its position at first reading on the basis of this agreement on 19 December 2016. The position in Council at first reading together with the statement of Council's reasons were transmitted to the European Parliament in January 2017.

The new regulation on expenditure was adopted by the Council on 8 May 2014, following the European Parliament's first reading which confirmed the first reading agreement reached between the two legislators in December 2013. The proposal on plant reproductive material was withdrawn by the Commission as part of its work programme for 2015, after the rejection of the proposal by the European Parliament.

In detail, the five proposals under the animal and plant health package are:

1. Animal health

The proposed legislation will replace the current body almost 50 separate pieces of legislation with a single regulation. It will improve the standards and implement a common system to better detect and prevent disease, and to tackle health, food and feed safety risks in a more coordinated way.

- The package will introduce a single piece of legislation to regulate animal health in the EU based on the principle that "prevention is better than cure".
- It aims to improve standards and to provide a common system to better detect and control disease and tackle health, food and feed safety risks in a coordinated way.
- This enhanced system, allied with better rules on identification and registration, will give those working to protect our food chain, such as farmers and veterinarians, the capability to react quickly and to limit spread of disease and minimise its impact on livestock, and on consumers.
- Furthermore, it introduces categorization/prioritisation of diseases, which require intervention at EU level. As such, it enables a more risk based approach and appropriate use of resources
- Sufficient flexibility is provided to adjust the animal health measures to different sizes and types of establishments (e.g. Small and medium enterprises, hobby holding, etc.) to different local circumstances in particular with respect to registration and approval requirements for establishments and the keeping animals and products.
- On a broader scale the law needs to be flexible and robust enough to provide for the effective response of the whole EU in the event of important climate changes thus giving us the

tools to deal with new and unknown emerging risks so that we can adjust quickly to new scientific developments and international standards.

2. Plant health

The new regulation will put in place a better framework to protect the health of Europe's plants. The main changes which have been introduced improve the protection from risks related to imports from non-EU countries, introduce a plant passport system, improve the surveillance of pest outbreaks and the control of protected zones.

- The value of crops grown in the EU is 205 billion annually. Without the protection afforded by plant health rules this sector would suffer severe economic damage.
- Europe's agriculture, forests and natural heritage are being threatened by pests and diseases that attack plants. The introduction of new pest species has increased as a result of the globalisation of trade and climate change.
- To prevent new pests from establishing in the EU and to protect plant growers as well as the forestry sector, the Commission proposes to upgrade the existing plant health regime
- More focus will be placed on high risk trade coming from third countries and increased traceability of planting material on the internal market
- The legislation also introduces better surveillance and early eradication of outbreaks of new pest species and financial compensation for growers hit by such quarantine pests.

3. Plant reproductive material

The proposal - also known as the 'seed regulation' - was aiming among others to introduce simplified and more flexible rules for the marketing of seeds and other plant reproductive material. The proposal was withdrawn by the Commission as part of its work programme for 2015, following the rejection by the European Parliament.

- 60% of the world export value in seeds originates from the EU.
- The package provides more simplified and flexible rules for the marketing of seeds and other plant reproductive material with the aim to ensure productivity, adaptability and diversity of Europe's crop production and forests and to facilitate their trading.

- The broad choice of material and the improved testing requirements will contribute to protection of biodiversity and to breeding oriented towards sustainable agriculture.
- The use of seed in private gardens is not covered by the EU legislation and private gardeners can continue to buy any plant material and sell their seed in small quantities. Moreover, it will be clarified that any non-professional (e.g. private gardeners) can exchange seed with other private gardeners without falling under the rules of the proposed Regulation.
- The aim of the legislation is to introduce a broader choice for the users thus including new improved and tested varieties, material not fulfilling the variety definition (heterogeneous material), traditional varieties and niche market material.
- However the new rules, in line with the Commission's better regulation agenda, take into account the type of material, production conditions and the size of the business involved. Thus for old traditional varieties and for heterogeneous material, there are only light registration rules. Such categories are exempted from the testing and other requirements of the legislation.
- In addition, administrative burden is reduced for micro-enterprises who can market any type of material as 'niche market material' without registration.
- Furthermore, micro-enterprises are generally exempted from registration fees

4. Official controls

The changes would create a single framework for all official controls along the agri-food chain. In particular, the new rules would implement a risk-based approach, allowing the focus of resources on the most relevant issues.

- The Commission recognised the need to strengthen the instruments available to the competent authorities in the Member States to check compliance with EU legislation on the ground (through controls, inspections and tests).
- Recent food scandals have shown once more the need for more effective action on the part of enforcement authorities to protect consumers and honest operators alike from the risks (also in economic terms) which may arise from breaches of the rules along the chain.

- The new rules follow a more risk based approach thus allowing competent authorities to focus their resources on the more relevant issues.
- The current system of fees to finance the effective implementation of these controls within a sustainable system along the whole chain will be extended to other sectors within the chain which are currently not charged.
- Microenterprises will be exempted from such fees, but not from controls, in order not to affect their competitiveness.
- Member States will also be asked to fully integrate anti-fraud checks into their national control plans and to ensure that financial penalties in these cases are set at truly dissuasive amounts.

5. Common financial framework

This new regulation was adopted by the Council on 8 May 2014, following the European Parliament's first reading which confirmed the first reading agreement reached agreement between the two colegislators in December 2013. It will put into place a single financial framework to manage expenditure and improve the functioning of various programmes implemented within the agri-food area.

A Common Financial Framework to manage expenditure and establishing a single, modern and simple framework has been adopted on 7.6.2013 It aims at modernising the existing financial provisions in order to improve the functioning of a number of sectorial instruments and programmes implemented within this area and providing real added value to EU funding priorities:

- Underpins the implementation of the EU-funded measures;
- Ensures that this action is cost-effective;
- Avoids unnecessary administrative burden on Member States.

Better enforcement of agri-food chain rules will benefit the public at large by increasing food safety as a whole and the protection that those rules afford against plant and animal health, animal welfare and the environment.

Member States administrations tasked with official controls and other official duties (public health, veterinary and phytosanitary monitoring and action) will benefit from improved and more effective enforcement tools and from adequate resources.

Operators (agri-food businesses, from primary producers to retailers and caterers, but also importers, plant/animal breeders, growers and traders) will benefit from the increased efficiency of authorities and their controls resulting from streamlining and simplification of the legislative framework and from the risk based operation of all controls. The improved efficiency of official controls, regular unannounced controls directed specifically at identifying intentional violations (fraud), tougher rules on financial penalties in case of violations, an integrated and modernised control system at the borders and a better coordination between authorities in case of cross border food safety concerns will benefit consumers.

In order to afford a high level of human, animal and plant health while encouraging the efficient functioning of the internal market, EU legislation provides a set of harmonised rules to prevent, eliminate or reduce health risks to humans which may arise along the whole of the agri-food chain and in the two areas most closely related to it, i.e. plant and animal health.

The package gives national enforcers a more efficient legal framework and stronger enforcement tools to deliver on their control tasks along the food chain.

New elements of the proposal include:

- It requires the performance of regular unannounced official controls directed at identifying intentional violations.
- Financial penalties applied offset the economic advantage sought by the perpetrator of the violation.

It also gives the Commission more powers to:

- Require (not only recommend) Member States to carry out controls and tests within a coordinated control plan of limited duration to ascertain the extent of specific shortcomings along the food chain; and
- Establish permanent specific control requirements in relation to specific sectors and/or newly identified risks which emerge along the food chain or which emerge from new patterns of production or consumption of food.

The review also aims to strengthen the mechanisms for administrative cooperation to fight cross-border violations of the rules and the coordination role of the Commission in cases of widespread or recurrent violations.