



THE SENATE  
OF THE PARLIAMENT OF THE CZECH REPUBLIC  
9<sup>TH</sup> TERM

325<sup>TH</sup>

**RESOLUTION OF THE SENATE**

Delivered on the 13<sup>th</sup> session held on 12<sup>th</sup> September 2013

**on the Proposal for a Regulation of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health, plant reproductive material, plant protection products and amending Regulations (EC) No 999/2001, 1829/2003, 1831/2003, 1/2005, 396/2005, 834/2007, 1099/2009, 1069/2009, 1107/2009, Regulations (EU) No 1151/2012, [...]/2013 [Office of Publications, please insert number of Regulation laying down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material], and Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC, 2008/120/EC and 2009/128/EC (Official controls Regulation) /Senate Press no. N 068/09/**

**and**

**on the Proposal for a Regulation of the European Parliament and of the Council on Animal Health /Senate Press no. N 069/09/**

**The Senate**

**I.**

**1. Welcomes**

the European Commission's efforts to create a more effective and efficient legal framework for the entire agri-food chain in the area of animal health and official controls in order to strengthen the quality of its output and reduce the administrative burden for individual enterprises;

**2. Agrees**

with the need for a coordinated strengthening of official controls with the view to eliminating the risks which could endanger both human and animal health, especially in light of recent scandals in the area of crop, animal and food production;

## II.

### 1. **Has thoroughly acquainted**

itself with the content of these proposals for Regulations and the details of their implementation; however, it considers them - in the current form - to be too general;

### 2. **Is of the opinion**

that the proposed scope of delegation of powers to the European Commission in both Regulations is so extensive that it makes it impossible to assess the legal impact of these proposals, their benefits and the related level of administrative burden, which may constitute a violation of the rules for adoption of delegated acts laid down in Article 290 of the Treaty on the Functioning of the European Union;

### 3. **Therefore, repeatedly reminds**

that according to Article 290 of the Treaty on the Functioning of the European Union the essential elements of the legislative acts shall not be subject of the delegation of power to the European Commission;

### 4. **Is not convinced**

of the suitability of financing official controls by introducing a mandatory flat fee for all operators regardless of whether the official control on a given operator is performed or not;

### 5. **Disagrees**

further with the exemption of micro-enterprises from this mandatory control fees system which would put large business operators at disadvantage compared with the smaller ones; and adds that this exemption would in some Member States (e.g. in the Czech republic) apply to the majority of enterprises;

### 6. **Supports**

the introduction of another type of official controls beyond the current framework of standard controls that should focus on deliberate violations of rules and should be performed without previous announcement;

### 7. **Deems it necessary,**

in this context, to establish a uniform minimum amount for penalties applicable throughout the EU to avoid cases when agri-food chain operators deliberately circumvent the rules in countries with lower penalties where such behaviour pays off;

### 8. **Evaluates positively**

the Commission's intention to increase the transparency of agri-food chain and official controls by presenting regular reports on the results of individual controls so that the consumers can use them to make informed purchasing decisions;

## III.

1. **Requests** the Government to inform the Senate about the way this position was taken into account and to provide the Senate with further information on the proceeding of negotiations;

2. **Authorises** the President of the Senate to forward this Resolution to the European Commission.

Milan Štěch  
sign manual  
President of the Senate

Jan Látka  
sign manual  
Senate Verifier