

EUDAIMONIA comparative table of institutional design obligations

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| <p><b>Food safety (general):</b></p> <ul style="list-style-type: none"> <li>- <b>Official controls: Regulation 2017/625 on official controls (repealing Regulation 882/2004); integrated with Regulation 2018/848 organic production and labelling.</b></li> </ul> | <p><b>Obligations flowing from EU primary law and/or secondary legislation</b></p>   |
| <p>Legal form ?</p>  | <p>Designate competent authority or authorities for official controls and other official activities' (Article 4(1) Reg. 2017/625), which can be: central authorities of a Member State, or any other authority to which the responsibility of organizing controls is conferred, or the corresponding authorities of a third country (Article 3(1)(3) Reg. 2017/625).</p> <p>Adequate financial resources (Article 78 (1) Reg. 2017.625). In addition, competent authorities must collect fees or charges for the controls performed (Article 79 et ss. Reg. 2017/625).</p>   |
| <p>Composition ?</p>   | <p>Specific requirements for personnel/staff:</p> <p>Member States should put in place procedures and arrangements to ensure that competent authorities have enough qualified and experienced staff, which act impartially, free from any conflict of interests, in a consistent way (Article 5(1)(b)(c) and (e) Reg. 2017/625). Staff performing official controls should be trained, keep up-to-date (Article 5(4) Reg. 2017/625).</p> <p>Procedures for the appointment of official veterinarian and plant health officer – writing define the tasks for which it is appointed, no conflict of interests (Article 5 (2) (3) Reg. 2017/625)</p> <p>Other composition requirements:</p> |

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|                  | <p>Competent authorities should have appropriate and properly maintained facilities and equipment (Article 5(1)(e)(f) Reg. 2017/625).</p> <p>No procedures attached to the appointment of (key) officials.</p>  |
| <p>Process ?</p> | <p>Suggestion or requirement as to the structure, outcome and review of decision-making:<br/>act in the public interest, be appropriately resourced and equipped, and offer guarantees of impartiality and professionalism (Recital 27 Reg. 2017/625)</p> <p>They should have procedures to ensure the effectiveness and appropriateness, impartiality, quality, and consistency of their controls (Article 5(1)(b)(c) reg. 2017/625).</p> <p>Among the others, norms on how to perform official controls, see general conditions such as regularity and without prior notice (Article 9 Reg. 2017/625), transparency (Article 11 Reg. 2017/625) documented control procedures (Article 12 Reg. 2017/625), written record (Article 13 Reg. 2017/625).</p> <p>Enforcement actions in case of suspicion of non-compliance, or established non-compliance with EU rules in the different areas (Article 137-138 Reg. 2017/625). Penalties (Article 139 Reg. 2017/625).</p> <p>Coordination and cooperation:<br/>Coordination among competent authorities responsible to organize controls in the same area within a Member State (Article 4(2) reg. 2017/625). Coordination mechanisms should be put in place, and consistency and effectiveness must be preserved (Article 4(2)(a) reg. 2017/625). At the same time, a central single authority should operate as a single contact point with the European Commission and other Member States (Article 4(2)(b) reg. 2017/625)</p> |

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|   | <p>Administrative assistance and cooperation between competent authorities of different Member States (Title IV): liaison bodies acting as contact points for exchange of information between competent authorities (Article 103(1) reg. 2017/625).</p> <p>In the context of border controls posts on animals and goods: Cooperation between authorities in case of consignments from third countries (Section V reg. 2017/625).</p> <p>Harmonized rules for exchange of information (Article 43 Reg. 2018/848)</p> <p>Harmonized procedures, for instance, on official controls in the context of Reg. 2018/848 – see Art. 38 et ss of that Regulation)</p>   |
| <p>Modus operandi (judicial review) ?</p> | <p style="text-align: center;">Accountability:</p> <p>Competent authorities should be accountable to the operators and to the general public for the efficiency and effectiveness of the official controls they perform - provide access to information concerning the organization and performance of official controls and other official activities, and regularly publish information concerning official controls and the results obtained (recital 39 Reg. 2017/625).</p> <p>Decisions to withdraw or suspend designation of border control posts should take into account seriousness of the risk and proportionality (Recital 62 Reg. 2017/625).</p> <p style="text-align: center;">Reporting:</p> <p>Member States must prepare multi-annual national control plans (MANCP) to demonstrate that control systems are performed by competent authorities in all the areas governed by Regulation 2017/625</p> |

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|  | <p>(Title V reg. 2017/625). Article 110 explains that these plans must contain information on the structure and organization of the systems of official controls – including on the procedures to ensure that competent authorities have human and technical resources available, documented procedures and training of the staff. (Article 110 (2) Reg. 2017/625). These plans must be public and communicated to the Commission (Article 111 Reg. 2017/625).</p> <p>Contingency plans for food and feed, which should refer to the powers and responsibilities of authorities and the procedures for sharing information (Article 115 Reg. 2017/625).</p> <p>In addition, Member States must submit to the Commission each year a report on their activities (Article 113 reg. 2017/625)</p> <p>Right of appeal against decision of competent authorities (Article 7 Reg. 2017/625).</p> <p>Confidentiality of the information acquired (Article 8 reg. 2017/625). Transparency, documented control procedures, and written record for official controls (Article 11, 12 and 13 reg. 2017/625).</p> |
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| <p><b>Food Safety (plants):</b></p> <p><b>Reg. 396/2005 on maximum residue levels of pesticides [first colums];</b></p> |  |  |  |  |  | <p><b>Obligations flowing from EU primary law and/or secondary legislation</b></p> |
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| <p><b>Reg. 1107/2009 on placing of plant protection products. [second column];</b></p> <p><b>Reg. 66/2010 on EU Ecolabel. [third column];</b></p> <p><b>Reg. 1151/2012 on quality schemes for agricultural products and foodstuffs. [fourth column];</b></p> <p><b>Reg. 1308/2013 on common organisation of markets in agricultural product. [fifth column];</b></p> <p><b>Reg. 2016/2031 on pests of plants, integrated by repealed Council Directive</b></p> |  |  |  |  |  |  |
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| <p><b>2000/29/E C. [sixth column]</b></p> |  |   |   |  |   |  |
| <p>Legal form ?</p>                       | <p>Designation of one or more national authorities to coordinate cooperation with Commission, European Food Safety Authority, and other Member States. In case of more, one authority should act as contact point (Article 38 Reg. 396/2005)</p> | <p>One or more competent authority, and a coordinating national authority (Article 75 (1) Reg. 1107/2009)</p> | <p>One or more competent body within government ministries or outside – ensure that they are operational (Article 4). They shall be independent from the organization and product they assess (Annex V)</p> | <p>Designate authorities responsible to prevent or stop unlawful use of protected designations of origin and protected geographical indications (Article 13 (3) second subparagraph Reg. 1151/2012 )</p> | <p>Designate competent authority or authorities (Article 116a (2) and Annex VII, Part I, point VI).</p> | <p>Establishment or designation of one single and central authority, under control of the national government, responsible for coordination and contacts in matters related to plant health. The official plant protection service set up under the International Plant Protection Convention (IPPC) shall preferably be designated for this purpose (Art. 1(4) Dir. 2000/29).</p> |

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|  |  |  |  |  |  | <p>Responsible official bodies shall be:</p> <ul style="list-style-type: none"><li>(i) the official plant protection service(s);</li><li>or</li><li>(ii) any State authority established at national level, or, under the supervision within the limits set by the constitution of the Member State concerned, of national authorities at regional level.</li></ul> <p>Responsible official bodies can in accordance with national legislation delegate tasks to any legal person, whether governed by public or by</p> |
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|               |   |   |   |  |  | private law, which under its officially approved constitution is charged exclusively with specific public functions, provided that such person, and its members, has no personal interest in the outcome of the measures it takes (Article 2 (1) (g) Dir. 2000/29) |
| Composition ? | No conditions attached to the appointment of (key) officials within an administration | Guarantee sufficient number of suitably qualified and experienced staff (Article 75 (3) Reg. 1107/2009).<br><br>No conditions attached to the appointment of (key) officials within an administration | Composition of the competent bodies - guarantee independence, neutrality, and their rules of procedure shall be such as to ensure transparency in the conduct of their activities as well as the involvement of all interested parties. | Adequate guarantees of objectivity and impartiality, disposal of qualified staff and resources (Article 13 (3) third paragraph Reg. 1151/2012).<br><br>No conditions attached to the | No conditions attached to the appointment of (key) officials within an administration. | No conditions attached to the appointment of (key) officials within an administration.   |

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|           |  |   | <p>(Article 4(2)).</p> <p>Specific requirements on conflict of interests of staff (Annex V (1) and (2)), integrity and technical competence, free from pressures (Annex V (3)), and guarantee impartiality of staff (Annex V (6)). The competent body shall have at its disposal technical knowledge, procedures in place (Annex V (4)).</p> <p>No conditions attached to the appointment of (key) officials within an administration.</p> | <p>appointment of (key) officials within an administration.</p> |   |  |
| Process ? |  | Requirements as to the structure, outcome and review of decision-making: for instance, harmonised | Requirements as to the structure, outcome and review of decision-making: Competent bodies shall  |   | No additional requirements as to the structure, outcome and review of decision-making | Requirements as to the structure, outcome and review of decision-making: For instance, |

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|  |  | <p>procedures Articles 33 to 39 Reg. 1107/2009; Article 36 Reg. 1107/2009 (which states that examination of application must be based on independent, objective and transparent assessment in the light of current scientific and technical knowledge)</p> <p>Coordinating national authority coordinates and ensures all the necessary contacts with applicants, other Member States, the Commission and the Authority (Article 75 (2) Reg. 1107/2009).</p> | <p>ensure that the verification process is carried out in a consistent, neutral and reliable manner by a party independent from the operator being verified, based on international, European or national standards and procedures concerning bodies operating product-certification schemes (Article 4 (4)).</p> <p>Harmonised procedures (for instance, Article 9)</p> <p>Internal coordination when more than one competent body is designated. Member State shall determine the bodies' respective powers and the coordination</p> |  | <p>harmonised rules for inspections (Article 92 Reg. 2016/2031) and Article 10 Reg. 2016/2031 on official confirmation of the presence of quarantine pest, which as to be based on a diagnosis from an official laboratory</p> <p>Ensure close cooperation between plant protection services and State authorities (Article 2 (1) (g) Dir. 2000/29)</p> <p>Exchange of information with harmonized document (Article 102 Reg. 2016/2031)</p> |
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|   |  |   | <p>requirements applicable to them (Article 4 (1)).</p> <p>Competent bodies shall exchange information and experiences (Article 13 (1)). Working group are established to that end.</p> |  |   |   |
| <p>Modus operandi (judicial review) ?</p> | <p>No specific judicial review mechanism</p> | <p>No specific judicial review mechanism.</p> | <p>No specific judicial review mechanism.</p>   | <p>No specific judicial review mechanism</p> | <p>Objection procedure via authorities of the Member States in which the applicant is resident or established (Article 98 (1) Reg. 1308/2013)</p> | <p>No specific judicial review mechanism.</p> |

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| <p><b>Food safety (animals):</b></p> <p><b>Reg. 1/2005 on the protection of animals during transport [first column].</b></p> | <p><b>Obligations flowing from EU primary law and/or secondary legislation</b></p> |  |  |  |  |  |
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| <p><b>Reg.<br/>1069/2009<br/>on health<br/>rules for<br/>animal<br/>by-<br/>products<br/>[second<br/>column]</b></p> <p><b>Reg.<br/>1099/2009<br/>on<br/>protection<br/>of<br/>animals<br/>at the<br/>time of<br/>killing<br/>[third<br/>column]</b></p> <p><b>Dir.<br/>2010/63<br/>on<br/>protection<br/>of<br/>animals<br/>used for<br/>scientific<br/>purposes.<br/>[fourth<br/>column]</b></p> <p><b>Reg.<br/>2016/429<br/>on<br/>transmissi<br/>ble<br/>animal<br/>diseases.<br/>[fifth<br/>column]</b></p> <p><b>Reg.<br/>2019/6 on<br/>veterinar<br/>y<br/>medicinal<br/>products</b></p> |  |  |  |  |  |  |
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| [sixth column]. |   |                 |   |  |  |   |
| Legal form ?    | Competent authority is the central authority of a Member State - or any delegated authority (Article 2 (f)).              | No designation. | Identify a single contact point responsible for sharing technical and scientific information and best practices (Article 20 (2)) Reg. 1099/2009).<br><br>Designate authority responsible for trainings (Article 21) | Designation of one or more competent authority – which can be bodies other than public authorities as long as they have expertise, infrastructure , free from conflict of interests (Article 59 (1) (2)) | Competent authority for animal health (Article 13). Delegation of tasks (Article 14).  | Designation of competent authorities (Article 137 (1)), ensure adequate financial resources to provide necessary staff and carry out its activities. (Article 137 (2)). |
| Composition ?   | Trained staff (Article 16).<br><br>No conditions attached to the appointment of (key) officials within an administration. |                 | Ensure that sufficient independent scientific support to assist competent authority (Article 20 Reg. 1099/2009).<br><br>No conditions attached to the appointment of (key) officials within an administration.      | No conditions attached to the appointment of (key) officials within an administration.   | Qualified personnel, facilities, equipment, financial resources and effective organization (Article 13 (1) (1)).<br><br>No conditions attached to the appointment of (key) officials within an administration. | No conditions attached to the appointment of (key) officials within an administration.  |

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| <p>Process ?</p> | <p>Requirements as to the structure, outcome and review of decision-making:</p> <p>Harmonized procedures (for instance Article 18 on certificate of approval of means of transport).</p> | <p>Requirements as to the structure, outcome and review of decision-making:</p> <p>Article 20 Reg. 1069/2009 (time, communicate with the interested parties).</p> | <p>No requirements as to the structure, outcome and review of decision-making.</p> | <p>Requirements as to the structure, outcome and review of decision-making: for instance, inspections (Article 34).</p> | <p>Requirements as to the structure, outcome and review of decision-making:</p> <p>Harmonized procedures, among the other, on approval of certain types of establishments ( Article 99) or surveillance obligation (Article 26) at the condition of Article 27 (timely, proportionate, appropriate)</p> <p>Cooperation within a network of official laboratories for animal health. (Article 17 (1)).</p> | <p>Competent authorities shall cooperate among each other, give to other Member States' authorities support and communicate necessary info. (Article 137 (3)). To reinforce coordination for mutual recognition and decentralized procedures, a coordination group is established and composed of one representative by Member State (Article 142 and 143).</p> <p>Establish procedures or arrangements in</p> |
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|                                    |  |  |  |  |  | place to ensure that staff performing controls are free from any conflict of interest (Article 123 (8)). |
| Modus operandi (judicial review) ? | No specific judicial review mechanism. | No specific judicial review mechanism. | No specific judicial review mechanism. | No specific judicial review mechanism. | No specific judicial review mechanism. | Audits on competent authorities to confirm the appropriateness of the controls (Article 124).            |