

Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules (repealed)

## TITLE VII

### ENFORCEMENT MEASURES

#### CHAPTER I:

#### NATIONAL ENFORCEMENT MEASURES

##### *Article 54*

##### **Action in case of non-compliance**

- 1 When the competent authority identifies non-compliance, it shall take action to ensure that the operator remedies the situation. When deciding which action to take, the competent authority shall take account of the nature of the non-compliance and that operator's past record with regard to non-compliance.
- 2 Such action shall include, where appropriate, the following measures:
  - a the imposition of sanitation procedures or any other action deemed necessary to ensure the safety of feed or food or compliance with feed or food law, animal health or animal welfare rules;
  - b the restriction or prohibition of the placing on the market, import or export of feed, food or animals;
  - c monitoring and, if necessary, ordering the recall, withdrawal and/or destruction of feed or food;
  - d the authorisation to use feed or food for purposes other than those for which they were originally intended;
  - e the suspension of operation or closure of all or part of the business concerned for an appropriate period of time;
  - f the suspension or withdrawal of the establishment's approval;
  - g the measures referred to in Article 19 on consignments from third countries;
  - h any other measure the competent authority deems appropriate.
- 3 The competent authority shall provide the operator concerned, or a representative, with:
  - a written notification of its decision concerning the action to be taken in accordance with paragraph 1, together with the reasons for the decision; and
  - b information on rights of appeal against such decisions and on the applicable procedure and time limits.
- 4 Where appropriate, the competent authority shall also notify the competent authority of the Member State of dispatch of its decision.

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*Status: Point in time view as at 29/04/2004.*

*Changes to legislation: There are currently no known outstanding effects for the Regulation (EC) No 882/2004 of the European Parliament and of the Council (repealed), TITLE VII. (See end of Document for details)*

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5 All expenditure incurred pursuant to this Article shall be borne by the responsible feed and food business operator.

#### *Article 55*

#### **Sanctions**

1 Member States shall lay down the rules on sanctions applicable to infringements of feed and food law and other Community provisions relating to the protection of animal health and welfare and shall take all measures necessary to ensure that they are implemented. The sanctions provided for must be effective, proportionate and dissuasive.

2 Member States shall notify the provisions applicable to infringements of feed and food law and any subsequent amendment to the Commission without delay.

#### Chapter II:

#### **Community enforcement measures**

#### *Article 56*

#### **Safeguard measures**

1 Measures shall be taken under the procedures provided for in Article 53 of Regulation (EC) No 178/2002 if:

- a the Commission has evidence of a serious failure in a Member State's control systems; and
- b such failure may constitute a possible and widespread risk for human health, animal health or animal welfare, either directly or through the environment.

2 Such measures shall be adopted only after:

- a Community controls have shown and reported non-compliance with Community legislation; and
- b the Member State concerned has failed to correct the situation upon request and within the time limit set by the Commission.

**Status:**

Point in time view as at 29/04/2004.

**Changes to legislation:**

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