

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performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules (repealed)

[^{X1}TITLE I

SUBJECT MATTER, SCOPE AND DEFINITIONS

Article 1

Subject matter and scope

- 1 This Regulation lays down general rules for the performance of official controls to verify compliance with rules aiming, in particular, at:
- a preventing, eliminating or reducing to acceptable levels risks to humans and animals, either directly or through the environment;
 - and
 - b guaranteeing fair practices in feed and food trade and protecting consumer interests, including feed and food labelling and other forms of consumer information.
- 2 This Regulation shall not apply to official controls for the verification of compliance with the rules on common market organisations of agricultural products.
- 3 This Regulation shall be without prejudice to specific Community provisions concerning official controls.
- 4 The performance of official controls pursuant to this Regulation shall be without prejudice to feed and food business operators' primary legal responsibility for ensuring feed and food safety, as laid down in Regulation (EC) No 178/2002, and any civil or criminal liability arising from the breach of their obligations.

Article 2

Definitions

For the purposes of this Regulation, the definitions laid down in Articles 2 and 3 of Regulation (EC) No 178/2002 shall apply.

The following definitions shall also apply:

1. 'official control' means any form of control that the competent authority or the Community performs for the verification of compliance with feed and food law, animal health and animal welfare rules;
2. 'verification' means checking, by examination and the consideration of objective evidence, whether specified requirements have been fulfilled;
3. 'feed law' means the laws, regulations and administrative provisions governing feed in general and feed safety in particular, whether at Community or national level; it covers all stages of production, processing and distribution of feed and the use of feed;

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4. 'competent authority' means the central authority of a Member State competent for the organisation of official controls or any other authority to which that competence has been conferred; it shall also include, where appropriate, the corresponding authority of a third country;
5. 'control body' means an independent third party to which the competent authority has delegated certain control tasks;
6. 'audit' means a systematic and independent examination to determine whether activities and related results comply with planned arrangements and whether these arrangements are implemented effectively and are suitable to achieve objectives;
7. 'inspection' means the examination of any aspect of feed, food, animal health and animal welfare in order to verify that such aspect(s) comply with the legal requirements of feed and food law and animal health and animal welfare rules;
8. 'monitoring' means conducting a planned sequence of observations or measurements with a view to obtaining an overview of the state of compliance with feed or food law, animal health and animal welfare rules;
9. 'surveillance' means a careful observation of one or more feed or food businesses, feed or food business operators or their activities;
10. 'non-compliance' means non-compliance with feed or food law, and with the rules for the protection of animal health and welfare;
11. 'sampling for analysis' means taking feed or food or any other substance (including from the environment) relevant to the production, processing and distribution of feed or food or to the health of animals, in order to verify through analysis compliance with feed or food law or animal health rules;
12. 'official certification' means the procedure by which the competent authority or control bodies, authorised to act in such a capacity, provide written, electronic or equivalent assurance concerning compliance;
13. 'official detention' means the procedure by which the competent authority ensures that feed or food is not moved or tampered with pending a decision on its destination; it includes storage by feed and food business operators in accordance with instructions from the competent authority;
14. 'equivalence' means the capability of different systems or measures to meet the same objectives; and 'equivalent' means different systems or measures capable of meeting the same objectives;
15. 'import' means the release for free circulation of feed or food or the intention to release feed or food for free circulation within the meaning of Article 79 of Regulation (EEC) No 2913/92 in one of the territories referred to in Annex I;
16. 'introduction' means import as defined in point 15 above, and the placing of goods under the customs procedures referred to in points (b) to (f) of Article 4(16) of Regulation (EEC) No 2913/92, as well as their entry into a free zone or free warehouse;
17. 'documentary check' means the examination of commercial documents and, where appropriate, of documents required under feed or food law that are accompanying the consignment;

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18. ‘identity check’ means a visual inspection to ensure that certificates or other documents accompanying the consignment tally with the labelling and the content of the consignment;
19. ‘physical check’ means a check on the feed or food itself which may include checks on the means of transport, on the packaging, labelling and temperature, the sampling for analysis and laboratory testing and any other check necessary to verify compliance with feed or food law;
20. ‘control plan’ means a description established by the competent authority containing general information on the structure and organisation of its official control systems.]

Editorial Information

- X1** Substituted by [Corrigendum to 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 \(Official Journal of the European Union L 165 of 30 April 2004\)](#).

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