



Reports of Cases

Case C-112/15

Kødbranchens Fællesråd
v
Ministeriet for Fødevarer, Landbrug og Fiskeri
and
Fødevarestyrelsen

(Request for a preliminary ruling from the Østre Landsret)

(Reference for a preliminary ruling — Approximation of laws — Regulation (EC) No 882/2004 — Regulation (EC) No 854/2004 — Official controls of feed and food — Fees that may be charged by Member States to cover the costs incurred through official controls — Costs in connection with the training of official auxiliaries)

Summary — Judgment of the Court (Ninth Chamber), 17 March 2016

1. *EU law — Interpretation — Texts in several languages — Uniform interpretation — Differences between the various language versions — Account to be taken of the overall scheme and purpose of the legislation in question*
2. *Approximation of laws — Official controls of feed and food — Financing — Fees due for official controls — Calculation — Taking into account the costs in connection with the compulsory basic training of staff members involved in the controls — Not included*

(European Parliament and Council Regulations No 854/2004 and No 882/2004, Art. 27(4)(a) and Annex VI, points 1 and 2)

1. See the text of the decision.

(see para. 36)

2. Article 27(4)(a) and Annex VI, points (1) and (2), of Regulation No 882/2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules must be interpreted as precluding Member States, when they prescribe the fees charged to food sector establishments, from including the costs in connection with the compulsory basic training of official auxiliaries.

The fees may be intended to cover only the costs which the Member States actually incur in performing controls in food establishments and their purpose is not to impose the cost of the initial training of those staff members on undertakings in the relevant sector. Therefore, Annex VI to Regulation No 882/2004, to which Article 27 of that regulation refers, must be interpreted as referring exclusively to the salaries and costs of persons who are actually involved in performing the official controls. Furthermore, it should be recalled that those controls are normally carried out by the official veterinarians who may be assisted only by official auxiliaries or, in certain cases, by the slaughterhouse

staff. It is not apparent from any provision of Regulation No 854/2004, laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption, that persons who follow the compulsory basic training for official auxiliaries may, during that training, participate in the performance of official controls.

(see paras 39-42, operative part)