

**LA name & OCD Number**

**Food Standards Scotland**

**Local Authority Food Law Enforcement Services**

**Capacity and Capability Audit**

**Regulation (EU) 2017/625 Checklist – Article 35**

| **Regulation (EU) 2017/625**  **Article 35 (1) and (2)**  **Second Expert Opinion** | | | |
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| 1. The competent authorities shall ensure that operators, whose animals or goods are subject to sampling, analysis, test or diagnosis in the context of official controls, have the right to a second expert opinion, at the operator’s own expense.  The right to a second expert opinion shall entitle the operator to request a documentary review of the sampling, analysis, test or diagnosis by another recognised and appropriately qualified expert.  2. Where relevant, appropriate and technically feasible, having regard in particular to the prevalence and distribution of the hazard in the animals or goods, to the perishability of the samples or the goods and to the amount of available substrate, the competent authorities shall:  (a) when taking the sample, and if so requested by the operator, ensure that a sufficient quantity is taken to allow for a second expert opinion and for the review referred to in paragraph 3, should this prove necessary; or  (b) where it is not possible to take a sufficient quantity as referred to in point (a), inform the operator thereof.  This paragraph shall not apply when assessing the presence of quarantine pests in plants, plant products or other objects for the purpose of verifying compliance with the rules referred to in point (g) of Article 1(2).  3. Member States may decide that, where there is a dispute between the competent authorities and the operators that is based on the second expert opinion referred to in paragraph 1, the operators may request, at their own expense, the documentary review of the initial analysis, test or diagnosis and, where appropriate, another analysis, test or diagnosis by another official laboratory. | | | |
| **Question** | **Answer** | **Comments/Evidence** | **Auditor’s Notes** |
| Does the Authority have a documented sampling policy that refers to the second opinion? | Yes/No |  |  |
| How does the LA ensure that any requests are adequately dealt with? | Yes/No |  |  |
| Does the sampling procedure refer to the further laboratory testing? | Yes/No |  |  |
| Does the sampling procedure or protocol refer to sample sizes? | Yes/No |  |  |