



Official Controls on animals and goods (including plants) entering the EU:

Non-paper in view of an implementing act based on Articles 47 (2) (b) and 54 (4) (a) of Regulation (EU) 2017/625 and Article 53 (1) (b) of Regulation (EC) No 178/2002

27 April 2018

Preliminary views – no decision is undertaken to take this initiative

**Single Implementing Regulation
establishing temporary measures
for the entry in the Union of certain goods**

Goods subject temporarily to controls at BCPs

- based on **identified risk** or **evidence of widespread serious non-compliance**
- from **one third country**, a **region** thereof or a **group of third countries**

Legal basis

- **Art. 47 (2) (b) of R. 2017/625**

List of "goods" (CN codes) referred to in Art. 47 (1) (d) R. 2017/625 from certain third countries subject to a temporary increase of official controls at the entry into the Union due to known or emerging risk or evidence of widespread serious non-compliance -> regular update based on risk

- **Art. 54 (4) (a) of R. 2017/625**

Rules on the **frequency** of identity and physical check

- **Art. 53 (1) (b) of R. 178/2002**

Emergency measures/special conditions for import of FNAO (referred to in Art. 47 (1) (e) OCR) due to a serious risk to human health, animal health or the environment, which cannot be contained satisfactorily by means of Member State measures

Structure and content

Section 1

Common provisions

Official controls
Sampling
Update of Annexes I and II

Section 2

List of goods subject to temporary increase of controls
+
Rules on frequency of identity and physical checks

Repeal of Regulation 669/2009

Section 3

Emergency measures
-Special conditions governing the import of certain FNAO

Repeal of existing emergency measures for FNAO based on Article 53 (1) (b) (ii) of R. 178/2002

Objective:

Consolidation

- measures on temporary increase of controls
- existing emergency measures for feed and food of non-animal origin

Simplification

- frequency of checks => a more reactive system
- official controls => no duplications with R. 2017/625
- no reporting obligations

Continued relevance
(regular review)

Existing legal framework (I)

Commission Regulation (EC) No 669/2009 implementing R. 882/2004 as regards the increased level of official controls on imports of certain feed and food of non-animal origin

-> **list of feed and food of non-animal origin** subject to an **increased level of official controls at the entry into the Union** based on **known or emerging risk + regular update**

-> **frequency of checks**

- 100% documentary checks

- % of identity and physical checks set out in Annex I

-> **control procedures**

Controls at designated points of entry (DPEs) subject to derogations (Art. 9 ; 19(1))

Minimum requirements for DPEs (Art. 4)

Prior notification via Common Entry Document (CED) (Art. 6)

Release for free circulation ; Non-compliance

-> **reporting obligations for MSs**

Existing legal framework (II)

Existing emergency measures for feed and food of non-animal origin based on Art. 53 (1) (b) (ii) of R. 178/2002 => control procedures similar to R. 669/2009	Goods and TCs concerned
R. 884/2014 (aflatoxins)	Feed and food listed in Article 1 (1) and in the Annex I
R. 885/2014 (pesticides residues)	Food - curry leaves and okra from India
R. 2017/186 (microbiological contamination-Salmonella)	Foods listed in Annex I (sesame seeds and betel leaves from India)
R. (EU) 2015/175 (contamination risks by pentachlorophenol and dioxins)	feed and food - guar gum from India

Mapping – correlation with R. 2017/625 provisions and empowerments (I)

Minimum requirements for DPEs or DPIs

- Art. 64 (3) of R. 2017/625 – minimum requirements for BCPs
- specific requirements for DPEs to be maintained as detailed requirements for BCPs in IA under Art. 64 (4) R. 2017/625

Prior notification

- Art. 56 (1), 3 (a) and (4) of R. 2017/625 -> CHED in IMSOC
- Minimum time requirements to be established in IA under Art. 58 (b) of R. 2017/625

Designation and listing of DPEs

- Art. 59 of R. 2017/625 on BCP designation
- Art. 60 (1) of R. 2017/625 on BCP listing
- Art. 60 (2) of R. 2017/625 – IA – rules on format and other information for listing to be established

Mapping – correlation with R. 2017/625 provisions and empowerments (II)

Frequency of checks

% of identity and physical checks established directly in existing measures and subject to update

Art. 47 (2) (b) R. 2017/625
Rules on frequency based on Art. 54 (4) (a) R. 2017/625

Other temporary measures
Rules on frequency based on Art. 54 (4) (b) R. 2017/625 or Art. 53 (1) (b) of R. 178/2002

Documentary checks
100%
Art. 54 (1) R. 2017/625



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Mapping – correlation with R. 2017/625 provisions and empowerments (III)

Existing
rules

- **Controls at DPEs + Derogations:**
- > **Identity and physical checks at inland control points** (Art. 9 and 19 (1) of R. 669/2009)
- > **Identity and physical checks at designated points of import (DPIs)** (R. 884/2014)

R.
2017/625

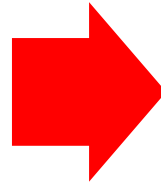
- **Controls at BCP of first arrival** (Art. 47 (1) R. 2017/625)

R.
2017/625

- **Cases and conditions for identity and physical checks at inland control points/DPIs – Delegated Act** (Art. 53 (1) (a) of R. 2017/625)

**Mapping – link with R. 2017/625 provisions and
empowerments (IV)**

**Existing provisions
onward transportation
Art. 8 (2) R. 669/2009**



**Article 51 (1) (a)
R. 2017/625**

Empowerment to adopt DA

**Cases and the conditions
under which the CAs at the
BCP may authorise
onward transportation
to the place of final
destination**

**Mapping – correlation with R. 2017/625 provisions and
empowerments (IV)**

**Measures in case of non compliance
Art. 19, 20 and 21 of R. 882/2004**

Art. 66 OCR – measures in case of non compliance

**destruction
re-dispatch
special treatment**



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Conclusion:

One Single Implementing Act for measures on the temporary increase of controls (former R. 669/2009) at BCPs and for emergency measures for feed and food of non-animal origin

Setting out lists of goods subject to temporary increase of controls + rules on frequency of identity and physical checks + temporary special conditions for import (sampling for analysis and certification requirements from the TC)

Common official controls procedures:

- **no duplication with R. 2017/625**
- **specific rules to be maintained in the proposed IA**
- **certain rules to be maintained in IAs or DAs foreseen in R. 2017/625, e.g.:**
 - Detailed minimum requirements for BCPs (at present for DPEs or DPIs)
 - identity and physical checks to be performed at control points other than BCPs (e.g. existing rules on DPIs)
 - onward transportation

State-of-play and next steps:

- *Draft discussed on 09/02/18 in the Working Group on Regulation (EC) 669/2009*
- *Further discussions with MS experts in this Working Group*
- *Organisation of an ad-hoc working group of the advisory group on the food chain and animal and plant health (Q4 2018)*



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Thank you