EUROPEAN COMMISSION
Health and Food Safety Directorate-General

Ad-hoc meeting of the
ADVISORY GROUP ON THE FOOD CHAIN, ANIMAL AND PLANT HEALTH

THE NEW OFFICIAL CONTROL REGULATION

30 SEPTEMBER 2016, 9H30 – 12H30
RUE VAN MAERLANT 2, BRUSSELS

Summary points of the meeting

The Commission welcomed the participants and presented the state of play of the new Official Control Regulation (OCR) and the next milestones in the inter-institutional process towards the adoption, expected early 2017. After recalling the reasons for revising the current system, the Commission focused on the key principles of the revision of the current legislative framework (simplification, broader scope, risk based approach, transparency, and efficiency of the controls) and some of the major changes that the new regulation will introduce.

In the second part of meeting, the Commission explained its first approach to implement the tertiary legislation enshrined in the regulation and described the main criteria to plan the work on the delegated and implementing acts before the new regulation becomes applicable (expected in early 2020). Last, the Commission presented how it intends to keep informed the members of the advisory group and consult them while drafting the acts of tertiary legislation.

View presentation

Highlights of the new regulation: discussion with the advisory group

In relation to **imports**, the Commission presented how the checks will be performed at the EU border controls. In reference to the fact that the current Designated points of entry, Border Inspection Posts, etc. will all be referred to as "Border Control Post" (BCPs), the Commission clarified that the same minimum requirements for staff, premises, facilities, equipment, etc. will apply to all BCPs. The future approach to physical checks will be more intensely based on the health risks posed by each category of animals and goods; thus controls will be more targeted and based on risk. The Commission stressed that the rules for imports will simplify the current import regime and enhance its coherence, by eliminating duplication and overlaps: existing rules will be streamlined and modernised and they will cover the entire agri-food chain, encompassing, as a major change, the official controls on plants and plant products.

In addition, the Commission stressed that these coherent rules will improve the **efficiency** of controls, and they will contribute to modernise the border inspection posts by digitalizing a series of information across Member States. This will result in faster and deeper exchange of information among Competent Authorities.

FreshFruit expressed the interest that controls were kept at **point of destination** for plants and not at their point of entry, which could result in undue delays.

EOCC asked whether **organic** production is in the scope of the new regulation. The Commission confirmed that organic production, as per current official control regime, is within the scope of the new official control regulation.

New provisions would be particularly relevant where consumers are likely to be misled on the nature or quality of products. Competent authorities are to carry out regular unannounced controls to identify fraudulent or deceptive practices.

Copa and Cogeca asked about the role of the **animal welfare reference centres** and what synergies will be established with the animal welfare platform. The Commission explained that the animal welfare centres will be established via a Commission implementing act. Its role will be to disseminate scientific findings and to develop animal welfare indicators. Several Stakeholders called for a dedicated meeting on the OCR and animal welfare.

Discussion on the implementation of the regulation

The Commission presented the criteria to prioritise delegated and implementing acts enshrined in the regulation: legal obligation, urgency, and functional need.

The Commission highlighted the **different timelines** for the delegated and implementing acts: within 1 year from the adoption, the acts related to some EU reference laboratories and EU reference centres for animal welfare should be in place. Besides these, a number of delegated and implementing acts must be in place by the application date (within 3 years from adoption of the regulation in early 2017); in addition, the regulation empowers the Commission to adopt tertiary legislation within 6 years from the adoption of the regulation: for instance, these empowerments relate to the acts concerning the rules for animal transport. The regulation also contains empowerments with an open timeline.

The Federation of veterinarians of Europe (FVE) requested further explanation on the **optional empowerments** laid down in the new regulation. The Commission replied that the optional empowerments are recognised as such in a legal by their wording (*may adopt / shall be empowered to*). The Commission stressed that the priority is given to implementing the obligatory acts due to limited resources.

FRUCOM, FESASS, Freshfel Europe suggested that the Commission would provide a plan for the implementation of **the tertiary legislation.** The Commission envisaged that a more detailed planning would be shared advisory group members. The list of actions will include the legislative initiatives to be adopted before the regulation is applicable (expected early 2020).

EuroCommerce stressed the importance of technical consultations and requested the Commission to give enough time to consult their own networks of national organisations on the Commission roadmap of tertiary legislation from 2017 to 2020.

FoodDrinkEurope (FDE) offered technical support on **impact assessments** if required. FDE suggested channelling communication with interested parties via specific webpages, as an efficient way: sector-specific webpages can be created quickly, offering synergic interactions among operators. The Commission answered that the planning of Commission initiatives in 2017 will identify preparatory action if needed, e.g. studies or impact assessments.

The Commission specified that the first delegated and implementing acts will consist in establishing and designating i) the animal welfare reference centres and, in parallel, ii) the EU reference laboratories that have to be established to cater for urgent need (such as plant health).

Discussion on stakeholders' involvement

The Commission highlighted which institutional actors will be involved and stressed the phases where stakeholders will get engaged.

Several organisations (FESASS, FVE, Copa and Cogeca, EuroCommerce, ESA, EOCC) called on the Commission to set **sector-specific meetings**; the Commission welcomed the proposal and envisaged to organise such meetings after the adoption of the regulation in 2017. A first idea, the meeting could include parallel sessions on different topics. The European Seed Association (ESA) proposed to invite also the experts from its organisations. The sector-specific meetings will be an opportunity for the Commission to present the planning of the delegated and implementing acts. The Commission stressed that Unit G.3 in SANTE acts as coordinator in the overall implementation of tertiary legislation: nevertheless, since many units in DG SANTE are involved in the implementation of the OCR, stakeholders can expect consultations from the sector-specific units.

Union Fleurs states that the current system on imports of plants was efficient for the operators. It requested to set a **dedicated meeting on plant health** with representatives of DG TRADE and the Member States, after adoption of the regulation in 2017. The Commission ensured that interested parties will be consulted before aligning the current rules with the new provisions laid down in the new regulation. To increase the consistency of the future control system, the Commission explained that plants are integrated in the same Directorate in DG SANTE dealing with the revision of the control system. Frucom, FreshfelEurope, Eucofel supported the proposal of a meeting on plant health and imports.

FVE reiterated its two working groups (food safety and quality and animal welfare working groups) and announced that it would present a list of actions for the Commission to consider (e.g. on meat inspections and the role of the official veterinarians).

UECB joined FVE and Copa and Cogeca in expressing interest on how will the establishment of the animal welfare centres be done and requested a meeting on official controls and **meat inspections**.

Besides the requests for sector-specific meetings, EOCC and FRESHFEL expressed the need also for **general discussions**, since they represent a large variety of operators (farmers, processers, importers etc.) with a broad range of topics of interest (such as laboratories, exchange of information, border controls) and they would not have the resources to attend every sector-specific meeting. The Commission welcomed this idea and suggested to set up a list of focal points among the advisory group members dealing with official controls: this list could also include an overview of the competencies of the units in DG SANTE involved in the implementation of tertiary legislation.

EuroCommerce suggested to explore how to link different websites presenting actions to combat **food frauds** in the Member States which already exist and are considered as best practices; EuroCommerce also draw the attention to the fact that there are no clear criteria at Member States level to define how stakeholders are consulted also in relation to developing official controls plans.

The Commission informed that the legislative text empowers the Commission to set up **reference centres on the authenticity and integrity of the food chain**: among its competences, the centre can be tasked to list the best practices against frauds.

Moreover, the Commission stressed that **transparency** is strengthened by the new provisions, tasking Member States to publish the outcomes of controls and the measures adopted by Member States' Competent Authorities following non-compliance.

Freshfel Europe expressed the interest to have an overview of the provisions subject to change and wondered whether the update of the webpage by DG SANTE will be the only communication tool. The Commission will keep the members of the advisory groups regularly updated on the progresses, e.g. at the next meeting of the group on 25th November.

Conclusions and next steps

The Commission recapped that the objective of the ad-hoc advisory group meeting on the revision of official controls was to provide a preliminary overview of the major changes that the new ECR will introduce. With the information currently available, the legislative text is expected to be finally adopted by the co-legislators in early 2017. Once the regulation is published in the Official Journal a **dedicated meeting** with stakeholders will be called among. The Chair informed that **DG SANTE webpage[1] will be updated** soon and stakeholder can refer to it for the major changes. An **update on the state of play** of the legislative file will be given to the **plenary meeting** of the advisory group of 25th November 2016.

As soon as the legislative text is public, the **Commission called on the members** of the advisory group **to analyse the enacting terms** of the regulation in order to prepare for the envisaged discussions.

List of participating organisations

[1] http://ec.europa.eu/food/safety/official_controls/review_en