



Official Controls on animals and goods (including plants) entering the EU: Implementing acts under Regulation EU 2017/625

15 December 2017

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

- **feed and food of non-animal origin + other "goods" as defined in R. 2017/625** subject temporarily to controls at the BCPs, referred to in:
 - Art. 47 (1) (d) R. 2017/625 => temporary increase of controls
 - Art. 47 (1) (e) R. 2017/625 => emergency measures for import of feed and food of non-animal origin
 - Art. 47 (1) (f) R. 2017/625 => measures for import established under Art. 128 R. 2017/625
- 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) R. 2017/625 + Art. 54 (4) => Implementing act:**
 - 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
 - Rules on the frequency of identity and physical checks
 - **Art. 53 (1) (b) R. 178/2002=> Implementing act:**
 - 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
 - **Art. 128 R. 2017/625 => Implementing act:**
 - Special measures for the entry into the Union (referred to in Art. 47 (1) (f) OCR) due to risk to human, animal or plant health, or, as regards GMOs, also the environment or evidence of widespread serious non-compliance

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

Structure and content

Chapter 1

List of goods subject to temporary increase of controls + rules on frequency of checks

Repeal of R. 669/2009

Chapter 2

Special conditions for import of certain feed and food of non-animal origin

(list of FNAO+ frequency+certification requirements)

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

Chapter 3

Common control procedures aligned and not duplicating R. 2017/625

Replacement of existing control procedures

Objective:

Align the rules and control procedures with R. 2017/625

Avoid duplications and simplify existing measures

Develop the unity of the controls procedures for feed and food of non-animal origin

Ensure the continued relevance of risk mitigation measures via a regular review

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

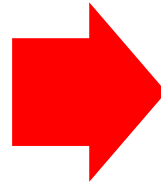
- **Controls at BCP of first arrival** (Art. 47 (1) R. 2017/625)

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**

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

Please submit your comments to:
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Thank you!