

Official Controls Regulation: state of play

Ad-hoc meeting on the revision of the Official Controls Regulation.

Advisory Group of the food chain, animal and plant health

30/09/2016

Health and Food Safety



Outline of the meeting

- Inter-institutional process and next milestones towards the adoption
- Key principles and highlights of the new Regulation
- Implementation of the tertiary legislation: planning the work before the application date
- Stakeholders' involvement





Why did we get here, revising the current framework?

- ☐ The current Regulation on official controls (882/2004/EC) laid the basis for a more integrated, and thus more efficient, system of official controls along the agri-food chain.
- ☐ However, some shortcomings were later identified (i.e. in the report which the Commission sent to the Parliament and the Council in 2009) which pointed to the need for:
 - further simplification and elimination of legislative duplications and overlaps
 - better integrated approach to controls by extending the scope of the Official Control framework to Plant Health and animal by-products, and by overcoming the fragmentation of import controls rules
 - better use of administrative cooperation tools and computerised information systems





The proposal on Official Controls as part of a broader legislative package in 2013



Plant Health

Animal Health



Official Controls



Propagating material (seeds)

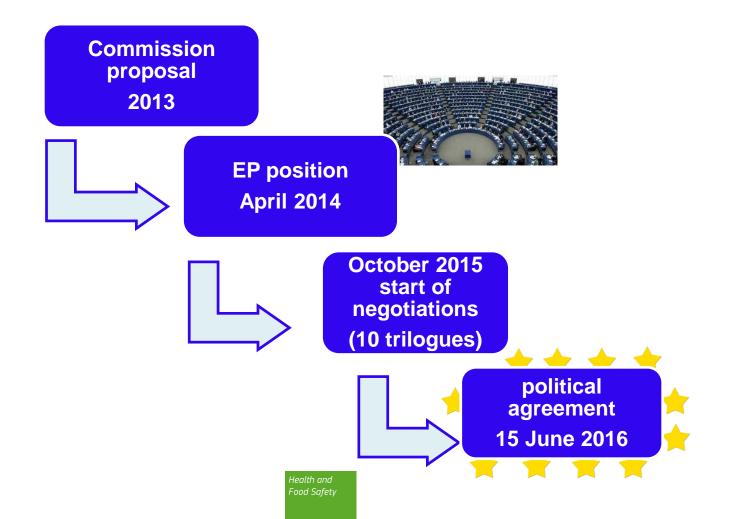


Expenditure of the agrifood chain

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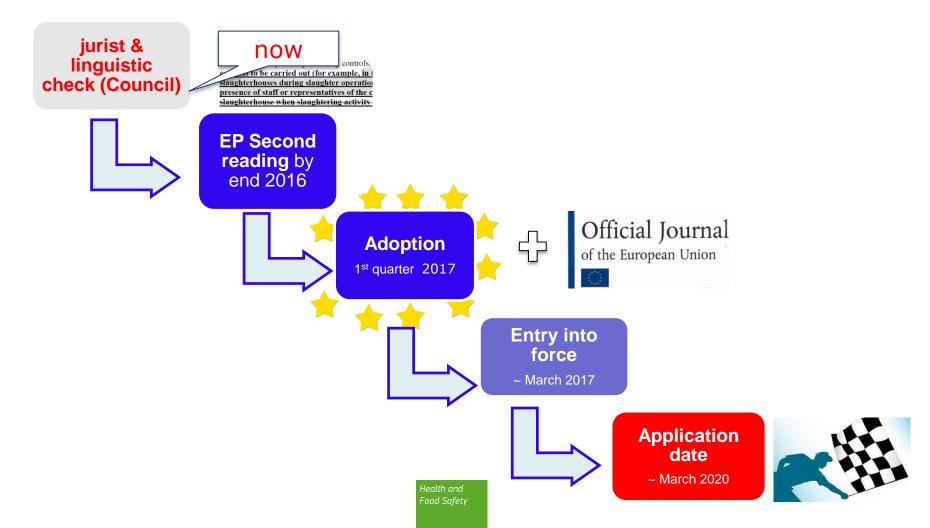


Decision-making process: how we got there



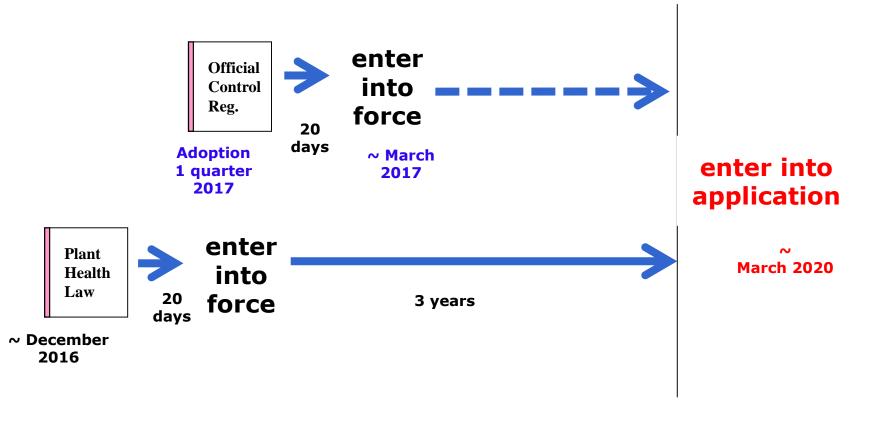


Inter-institutional process: next steps





Timing of Official Control Regulation





A legislative evolution "future-proof"

Food Safetv

application date: early 2020

New Regulation delega

today

Legislation currently in force:

7 directives, 2 regulations, 1 decision **to be repealed** +

10 regulations, 5 directives **to be**amended

Health an

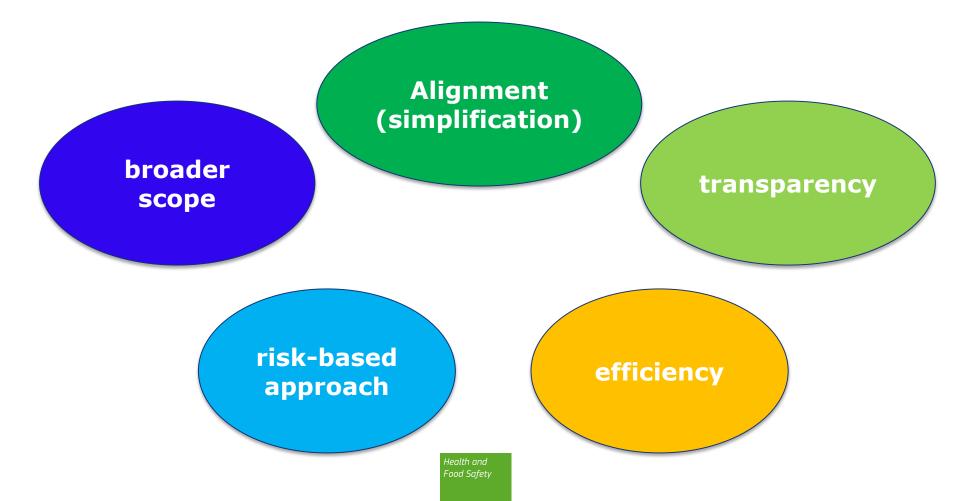
2020 -2023 and following years

Tertiary legislation:

delegated and implementing acts will allow to adapt the legislation to the evolution of the food chain (technical and scientific changes, new business and globalized models)



Key principles of the new regulation





Staff involved in the controls

Impartial, free from conflict of interest and suitably qualified and experienced

Mininum training requirements to be established

Meat inspections

Border controls

Noncompliance measures can (still) not be delegated

> Coordination with CA

Suitably qualified and experienced

Impartial and free from conflict of interest

Audited and inspected by the Competent Authority

Delegation, in

writing, of certain

tasks to bodies or

natural persons

Food Safety



Performance & frequency of controls

Risk-based approach maintained

Likelihood of non-compliance + consumers being misled

Without prior notice, unless necessary for the control to be carried out

The administrative burden of the operators to be minimised

Inaccurate published information to be rectified

Operator's:

- record of compliance,
- own checks, including private quality schemes

Access to computers and premises, to the extent necessary to perform the control

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New Official Control Regulation + Fraud

SCOPE

if CA detect fraud => control rules = applicable on marketing standards of agricultural products

RISK-BASED CONTROL

CAs to consider if consumers misled on:

- properties
- quality
- composition
- origin indications

PENALTIES

- reflect operator's
 - economic advantage
 - turnover
- protect whistleblowers

REFERENCE CENTRE FOR AUTHENTICITY AND INTEGRITY

- specialised knowledge
- detection methods
- vulnerability identification

ADMINISTRATIVE ASSISTANCE + COOPERATION

- MS to facilitate exchange of information between CA + judicial authorities
- IT system

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Entry in Union

MS

Categories subject to border

animals

controls

importer

- products (animal origin, germinal products, animal byproducts)
- plants, plant products
- TCs requiring temporary increase (non-compliance)
- emergency measure

Art. 53 178/2002

special import conditions

checks

☑documents

☑identity

☑ physical

initiate operator

complete competent authority

CHED



Common Health Entry Document

single standard document

in **IMSOC**

measures

☐ frequency

MS controls determine:

□ based on risk

□ likelihood

□ place (options provided)

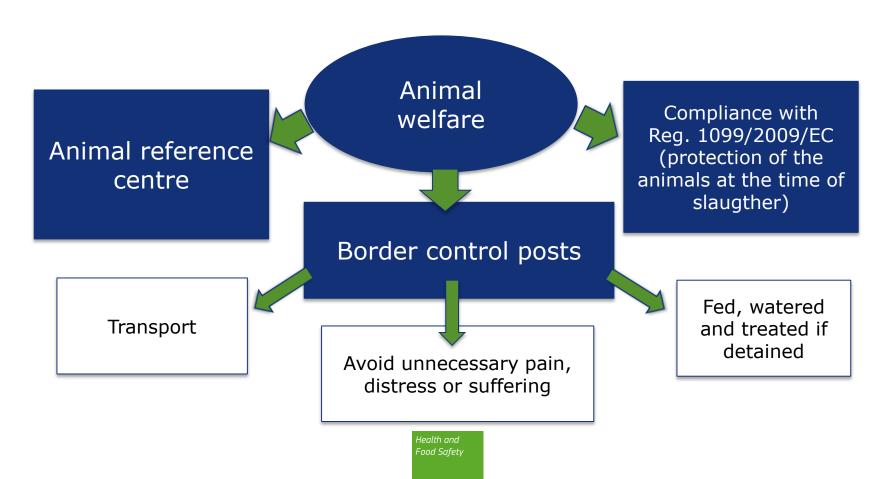
□ Compliance records

□ QS + auto control

Food Safetv



Further emphasis on animal welfare

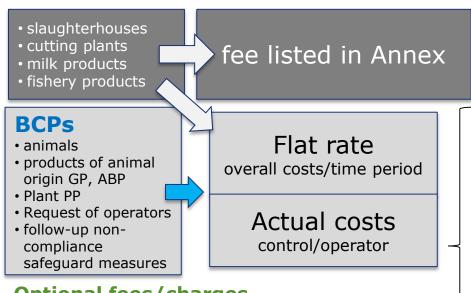




Financing of Official Controls

⇒ adequate resources for all types of controls

Mandatory fees



Optional fees/charges

- Fees covering costs
- No fees (covered by states general expenses/budget/tax)

Transparency

- ✓ method + data to
 establish the
 fees
- ✓ operators category/activity
- ✓ breakdown of cost elements





Financing of Official Controls



Mandatory fees

cost elements resulting from official control concerned:

- staff salary (incl. pension, insurance)
- facilities + equipment
- consumables
- services of delegated bodies
- continuous training
- travel
- sampling + testing

Transparency

- ✓ method + data to establish the fees
- ✓ operators category/activity
- ✓ breakdown of cost elements





implementation criteria to set priorities

Obligation	legal obligation e.g. shall adopt/ shall lay down
Optional	not a legal obligation e.g. shall be empowered/ may lay down
Date of entry into force +1 year	Adoption of measures 1 year after the publication of the Regulation in the OJ
Date of entry into force + 3 years	Adoption of measures 3 years after the date of the publication of the Regulation in the OJ
Date of entry into force + 6 years	Adoption of measures 6 years after the date of the publication of the Regulation in the OJ
Open timeline	Adoption of measures can be carried out after the date of entry of application (need may be is triggered by an event)

Food Safety



timing of tertiary legislation

1 year from ~ March 2017

EU Reference Laboratories (notably plant health) + EU Reference Centre for animal welfare

By 2018

3 years

Meat inspection, border inspections posts, CHED, IMSOC

Before the application date ~ March 2020

6 years

Animal transport

By 2023

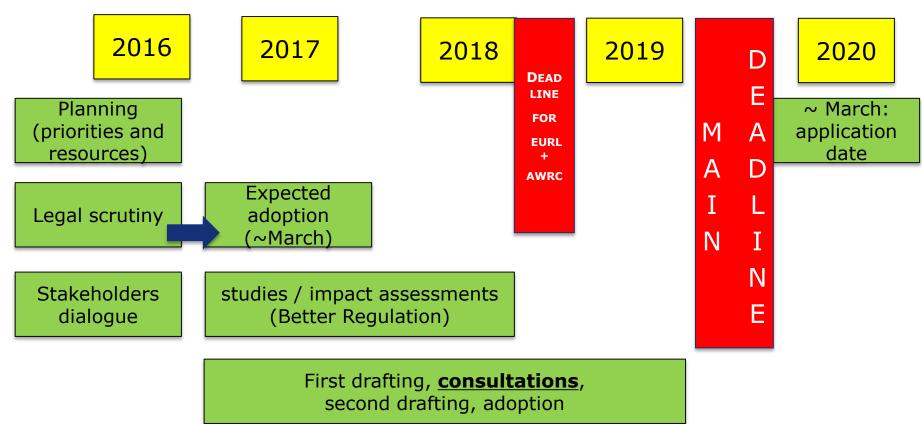
Open timeline

Standardisation of official certificates, sampling rules, lab analysis & diagnoses





Planning our work on the delegated & implementing acts





Process + stakeholder involvement (1)

Delegated Act

mutually exclusive

Implementing Act

Regulation

182/2011

Inter-institutional
Agreement on
better law-making

preparation +
drawing-up of
DA may also
include
stakeholder
consultations

Public and stakeholder consultation is integral to well-informed decision-making

gathering, prior to the adoption of delegated acts, all necessary expertise

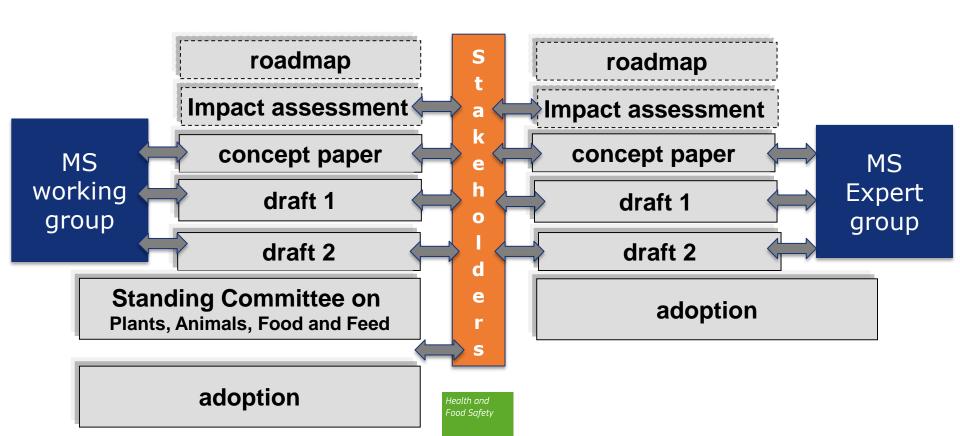
Health and Food Safety If broader expertise needed in the early preparation of draft implementing acts => COM will, as appropriate

- consult expert groups,
- consult targeted stakeholders
- carry out public consultations



Process + stakeholder involvement (2)

Implementing Act Delegated Act





Stakeholder involvement (3)

EXAMPLE I: Methods to calculate fees and charges (basic act) EXAMPLE II: Contingency plans (empowerment)

Border controls

Training

Residues

How do YOU want to contribute to the upcoming process?

Ref. centres



Health and Food Safety "The Commission shall consult experts...and may consult stakeholders."
Inter-institutional agreement (13/04/2016)



Conclusions and next steps

Update of DG SANTE website

http://ec.europa.eu/food/safety/official controls/review/index en.htm

Meeting of the Advisory Group (25 November)

