



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

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

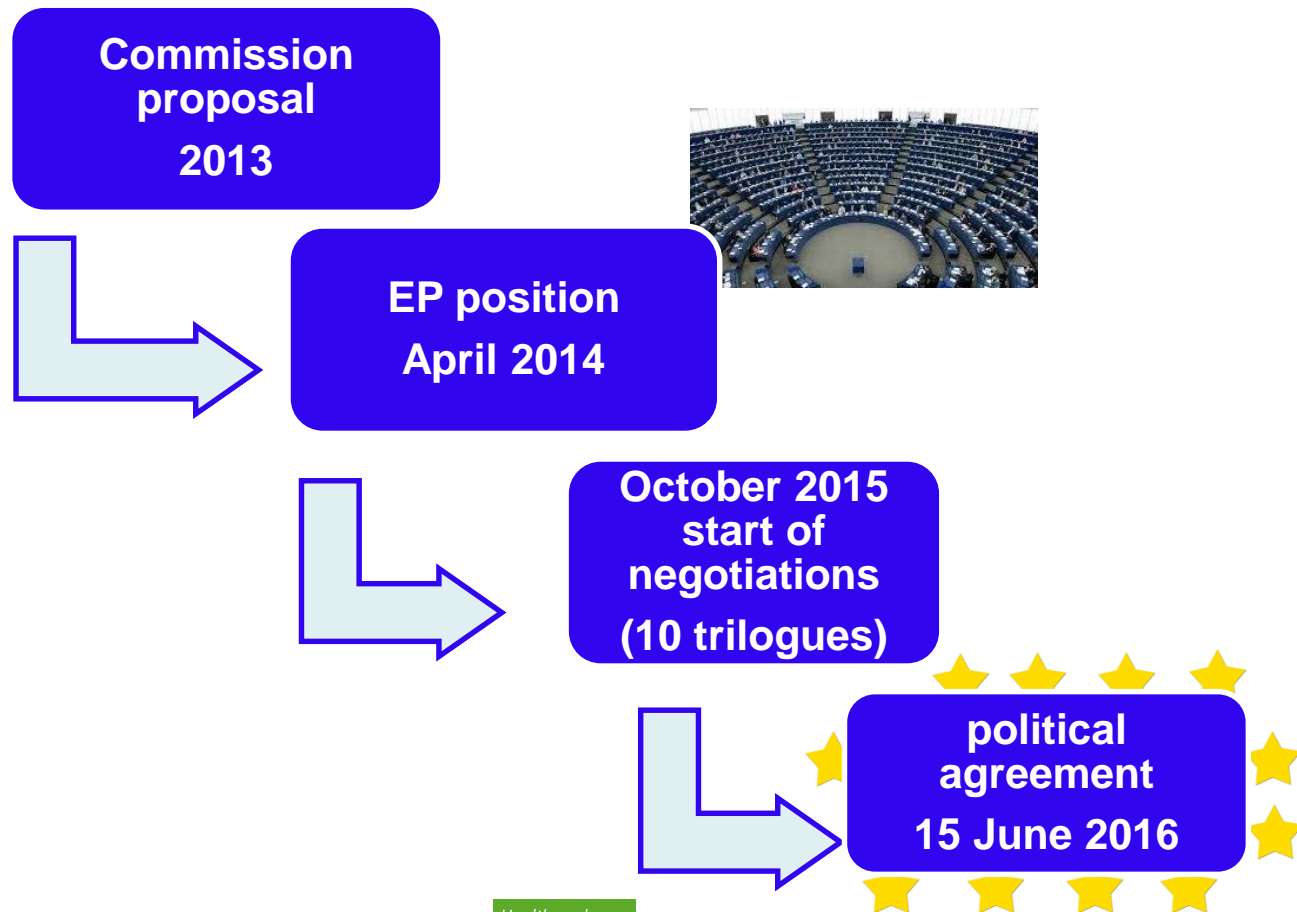


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The proposal on Official Controls as part of a broader legislative package in 2013



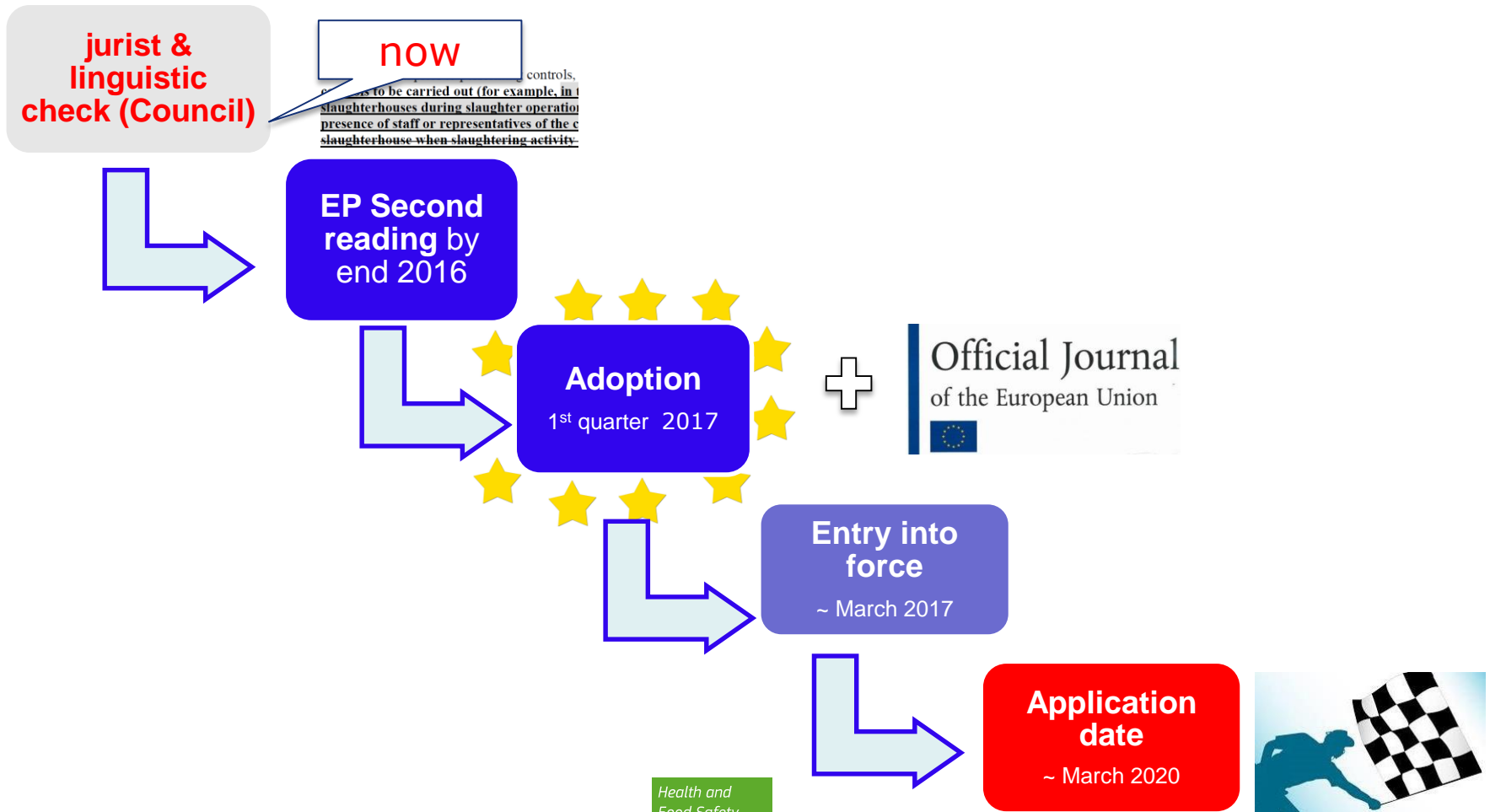
Decision-making process: how we got there





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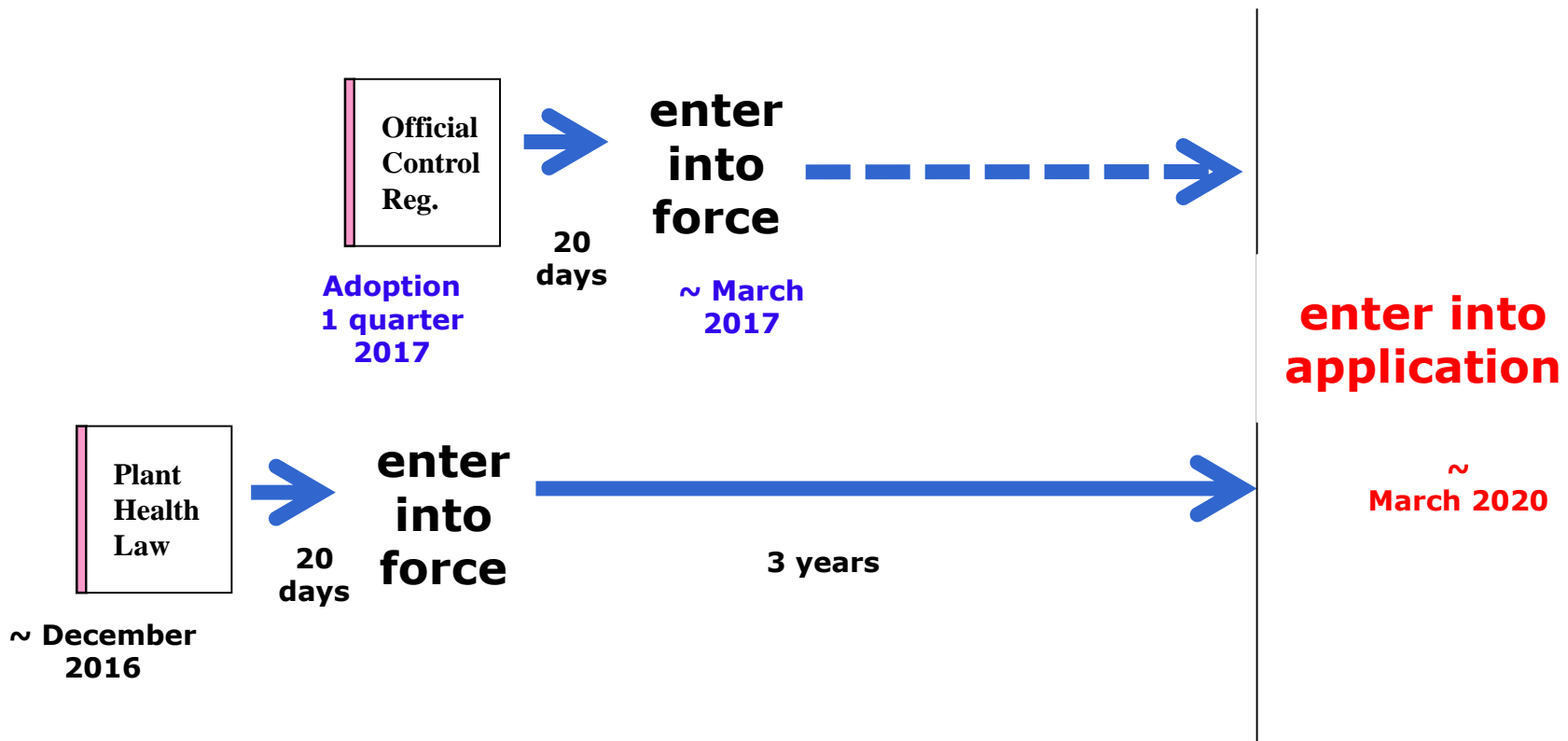
Inter-institutional process: next steps





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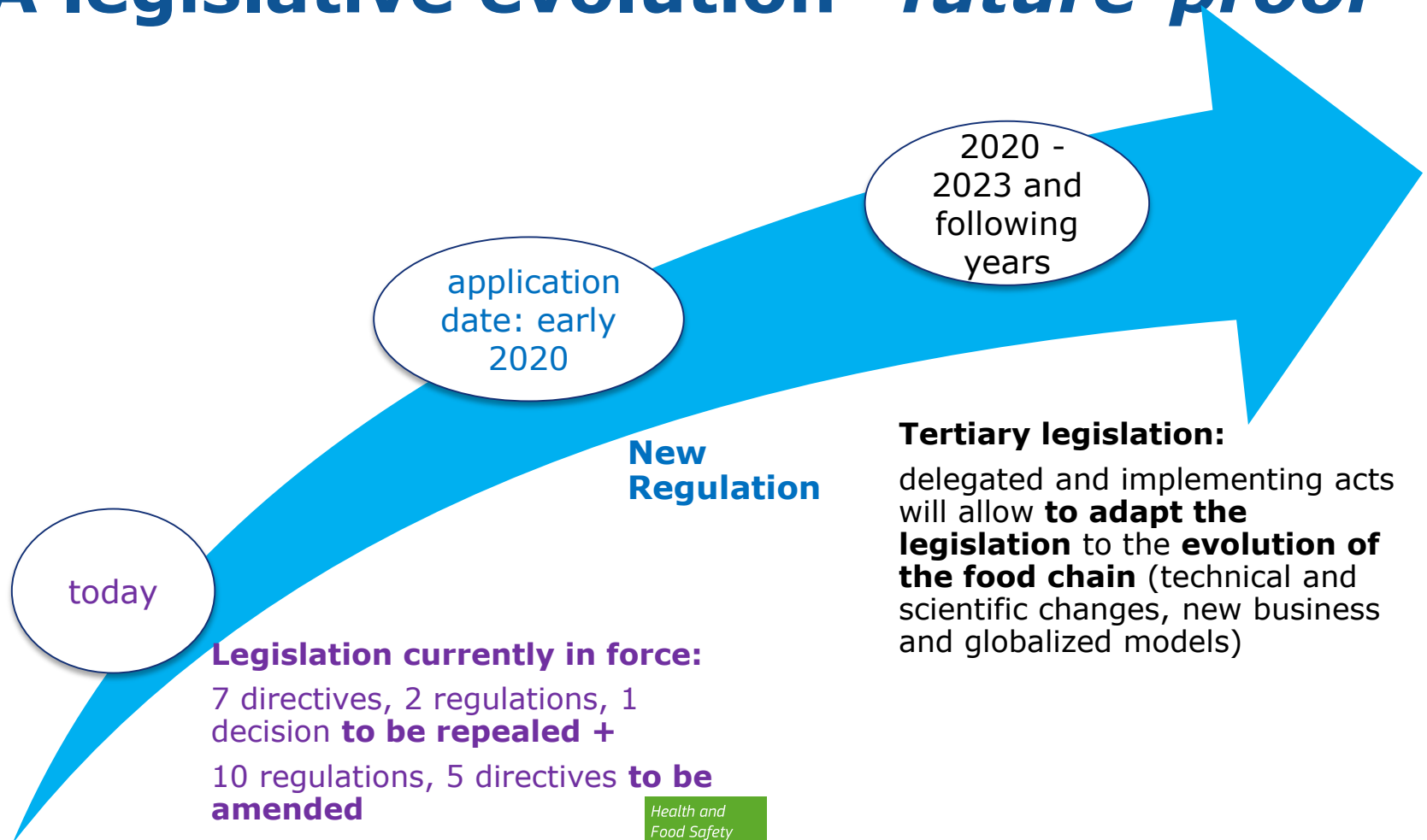
Timing of Official Control Regulation





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A legislative evolution *"future-proof"*





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Key principles of the new regulation

**broader
scope**

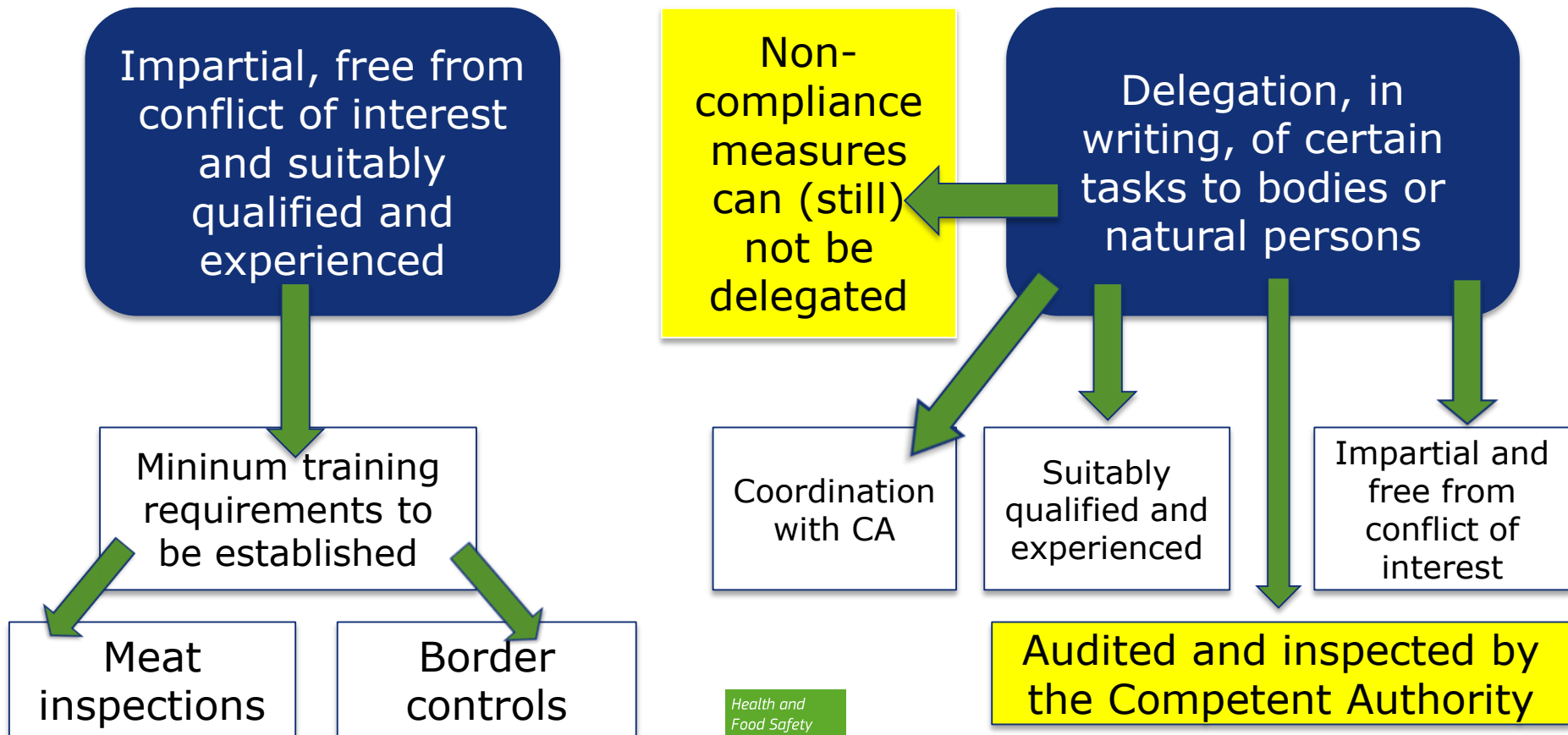
**Alignment
(simplification)**

transparency

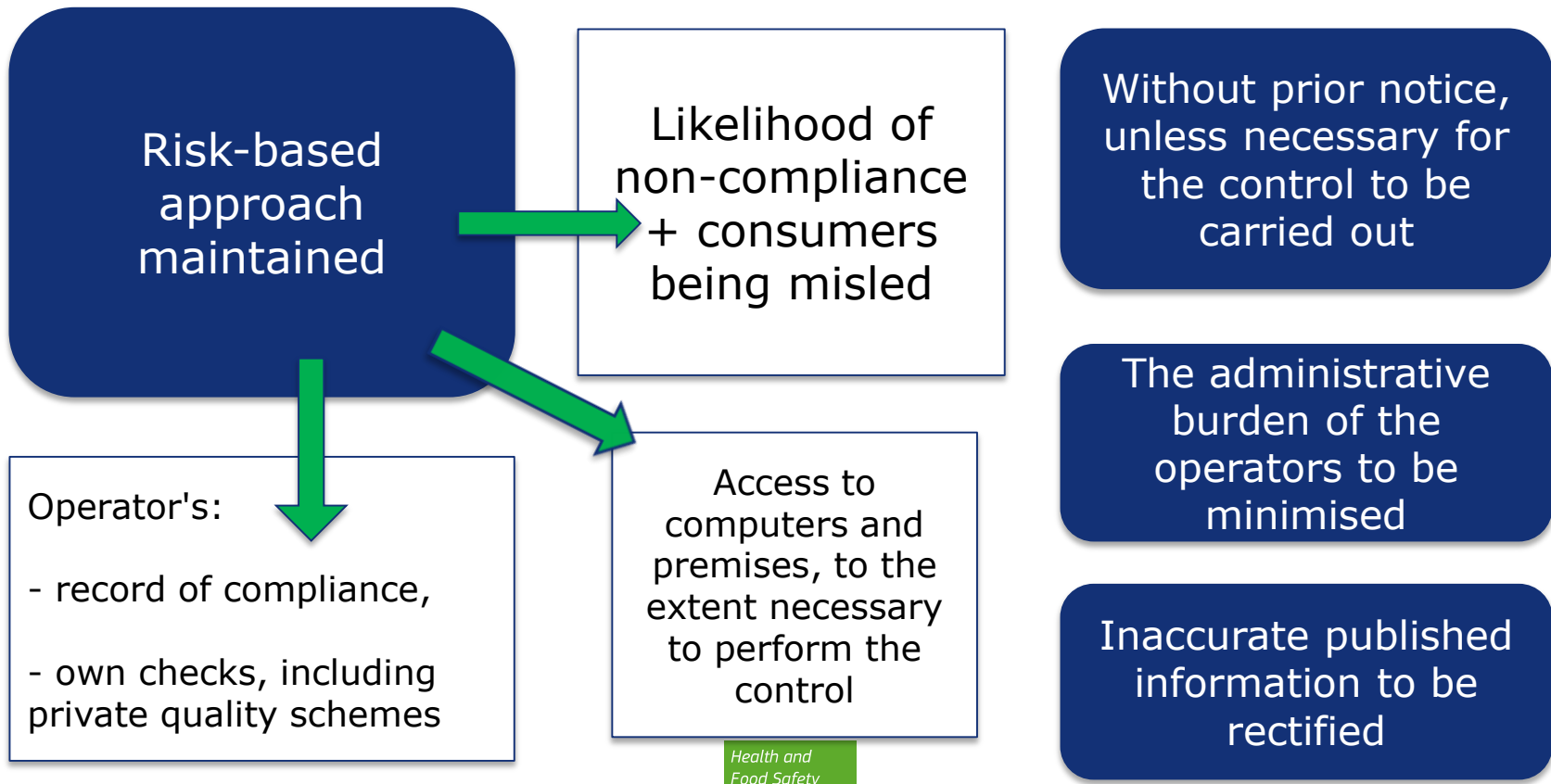
**risk-based
approach**

efficiency

Staff involved in the controls



Performance & frequency of controls





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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 whistle-blowers

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

importer

MS

- MS controls determine:
- place (options provided)
 - frequency
 - based on risk
 - likelihood
 - Compliance records
 - QS + auto control measures

Categories subject to border controls

- animals
- products (animal origin, germinal products, animal by-products)
- plants, plant products
- +
 - TCs requiring temporary increase (non-compliance)
 - emergency measure **Art. 53 178/2002**
 - special import conditions

BCP

- checks
- documents
 - identity
 - physical
 - animal welfare

initiate operator

complete competent authority

CHED



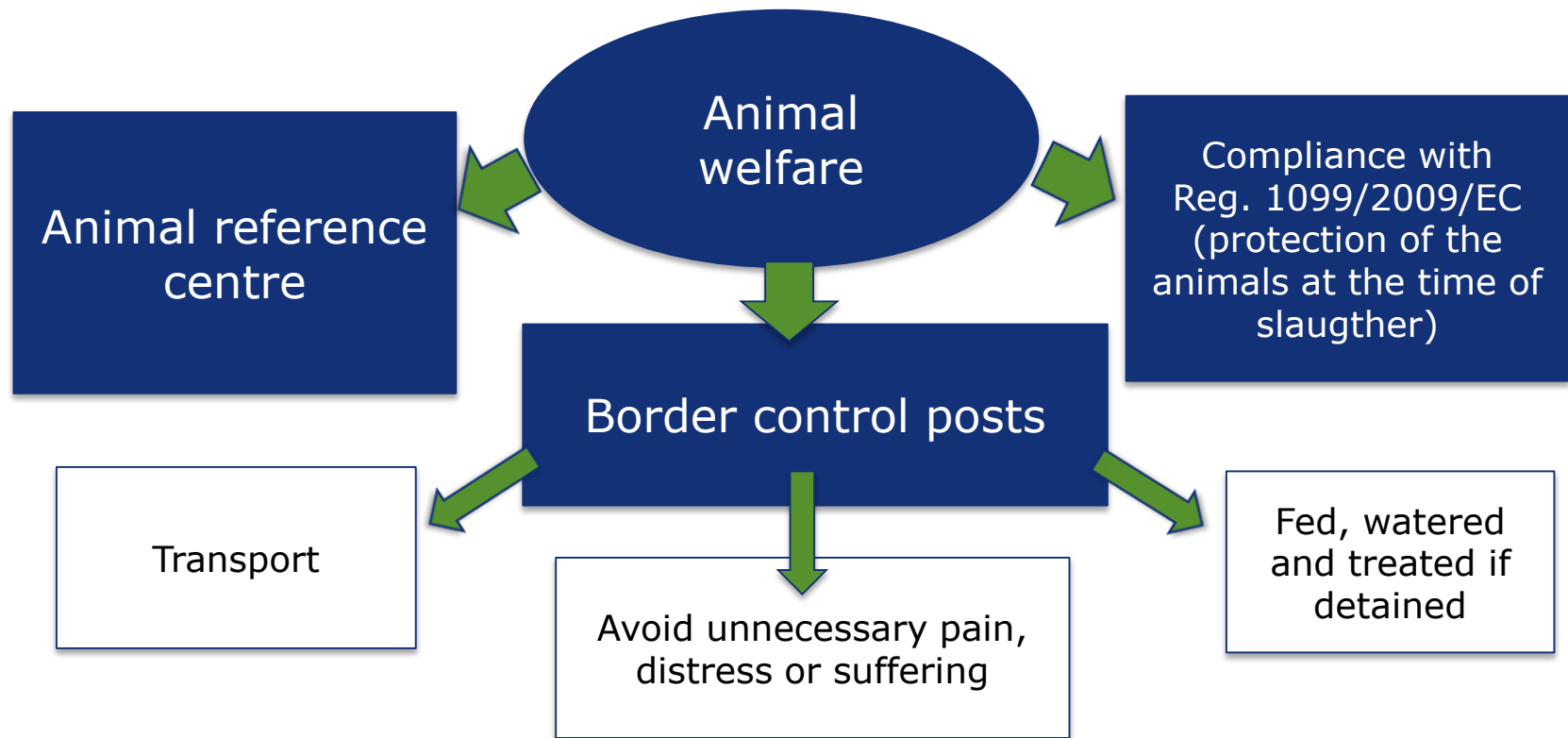
Common Health Entry Document
single standard document

in IMSOC



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Further emphasis on animal welfare



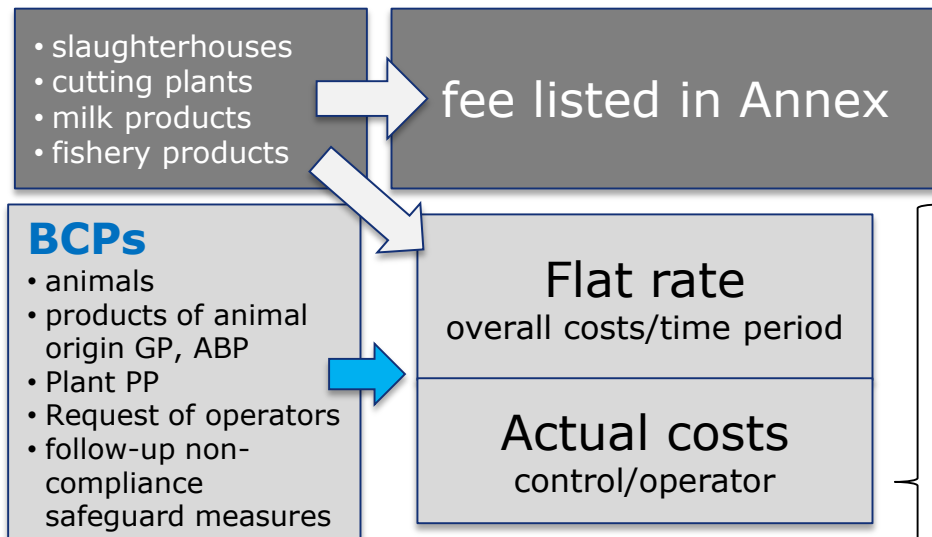


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Financing of Official Controls

⇒ 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



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Financing of Official Controls

⇒ adequate resources for all types of 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**

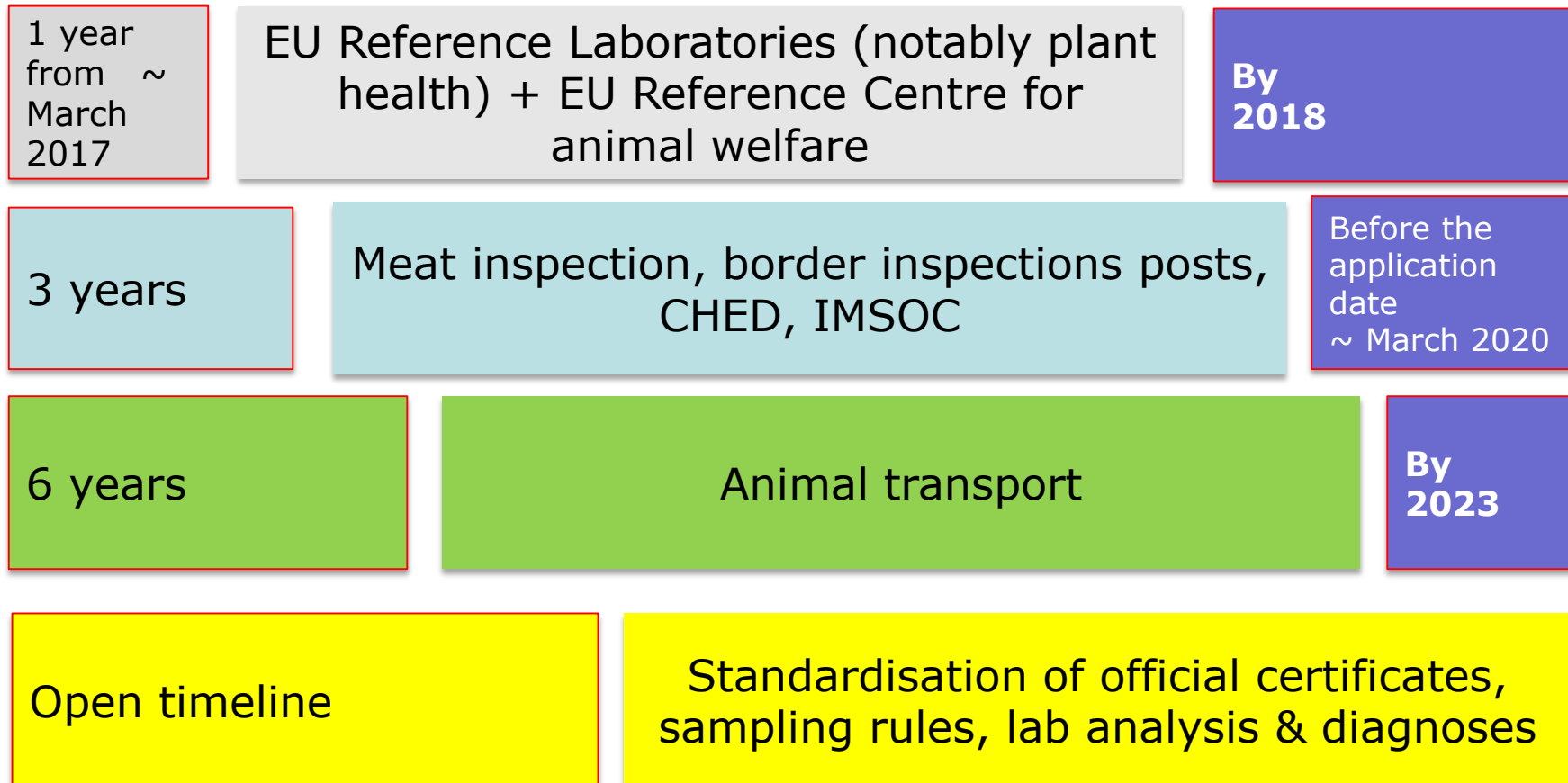
implementation criteria to set priorities

Obligation	legal obligation e.g. <i>shall adopt/ shall lay down</i>
Optional	not a legal obligation e.g. <i>shall be empowered/ may lay down</i>
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)



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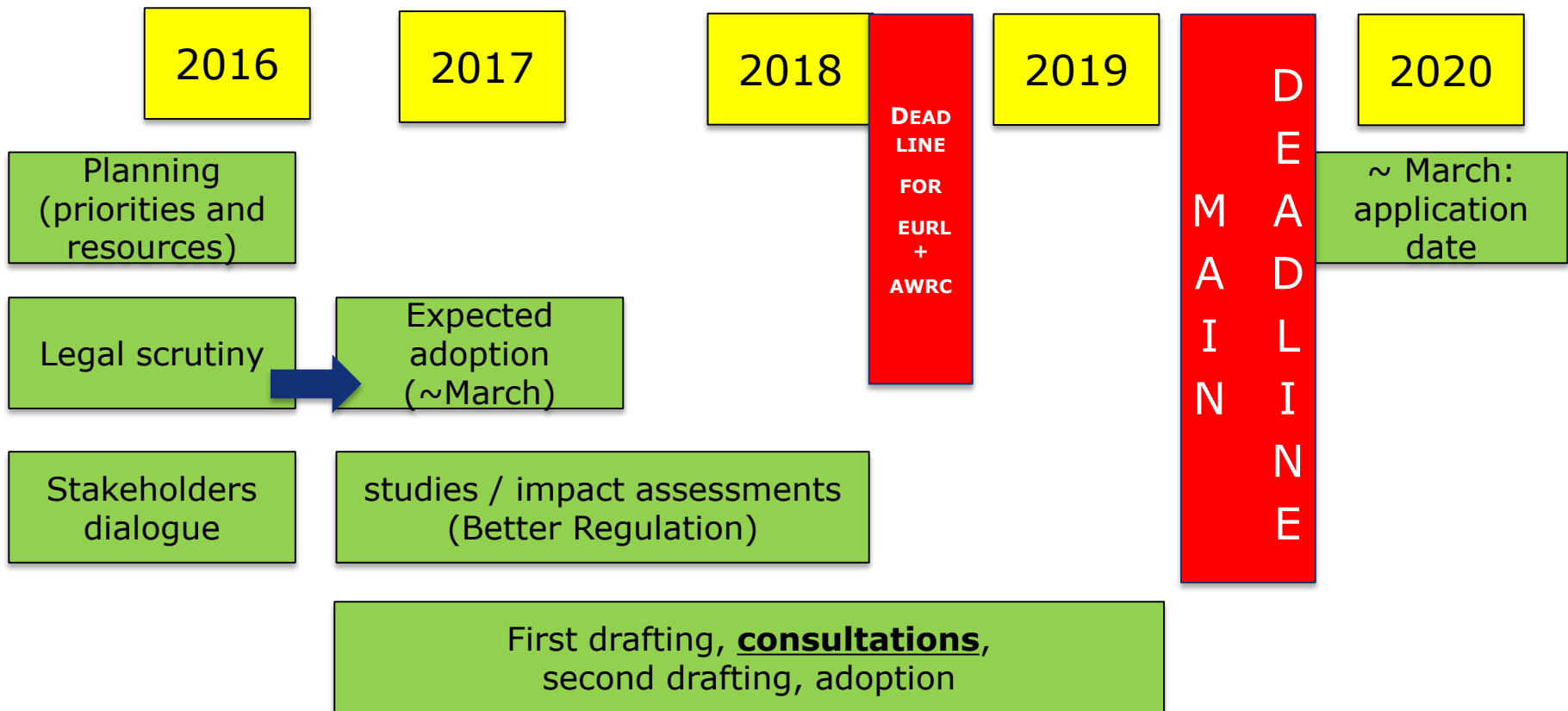
timing of tertiary legislation





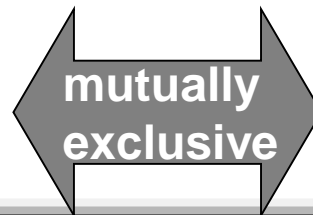
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Planning our work on the delegated & implementing acts



Process + stakeholder involvement (1)

Delegated Act



Implementing Act

Inter-institutional
Agreement on
better law-making

Regulation

182/2011

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

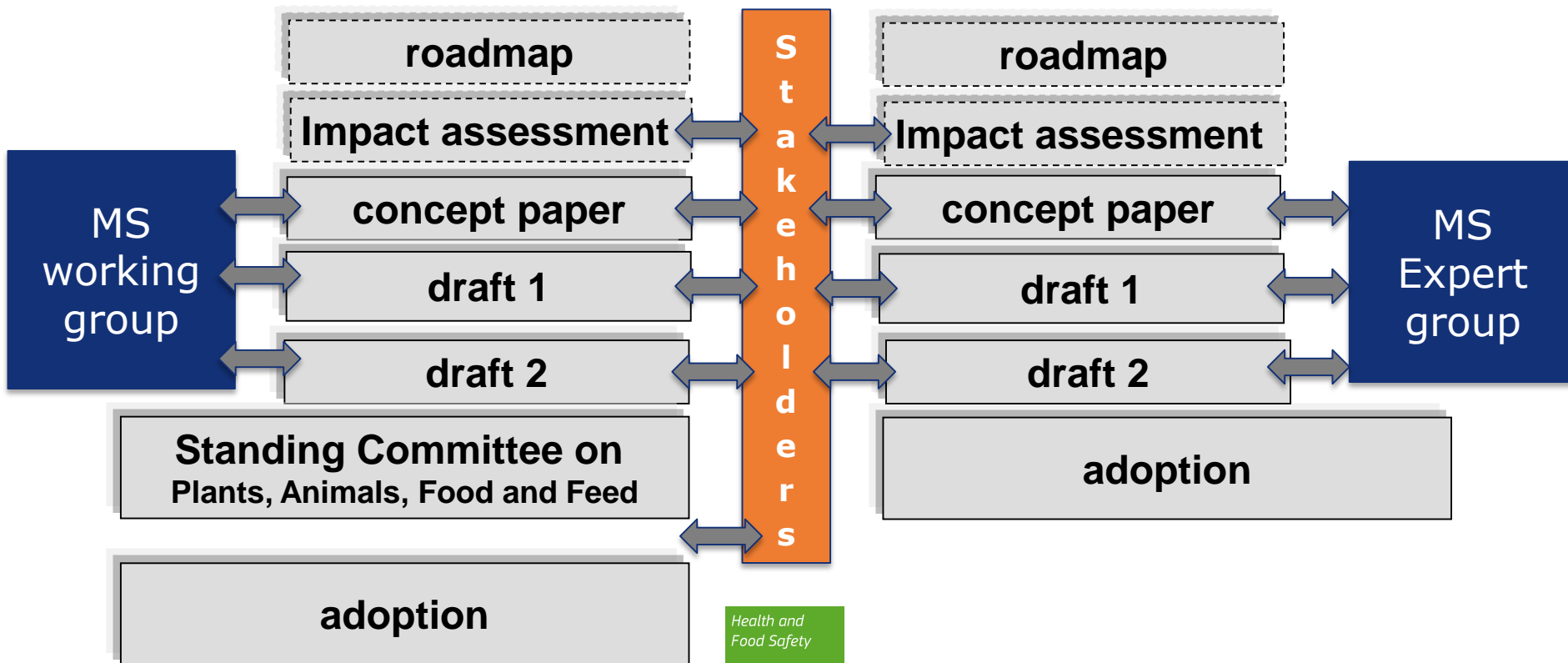
If broader expertise
needed in the early
preparation of draft
implementing acts =>
COM will, as appropriate

- 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

*"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)