



# Official Controls Regulation

## State of play

**Animal Health Advisory Committee**  
**03/12/2018**

**Christian Juliusson, DG SANTE - Unit G3**

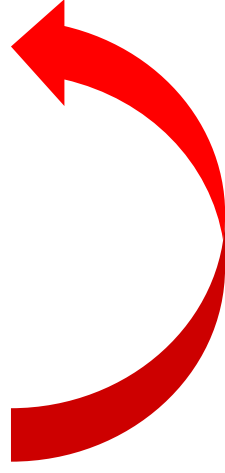


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# Entry into force and application

**Entry into  
force:  
29 April  
2017**

**Main date of  
application:  
14 December 2019**



Health and  
Food Safety



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# Key objectives

Simplification



Efficiency



Harmonisation



Transparency



**The risk based approach is maintained**





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# Scope of the OCR

Food and  
food  
safety

Feed and  
feed  
safety

GMOs

Animal  
health

Animal  
welfare

Animal  
by-  
products

Plant  
health

Plant  
protection  
products

Organic  
production

PDOs,  
PGIs,  
TSGs

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Food Safety



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# Structure of Regulation 2017/625 (OCR)

## General Principles Articles 1 – 15

Subject matter, scope & definitions, Competent Authorities general requirements

## Sector Specific Requirements Articles 16 – 27

e.g. Products of animal origin, residues, animal welfare, plant health, GMOs, plant protection products, organic production, new risks

Art. 28–33 Delegation of tasks	Art. 34–42 Sampling, analyses, tests + Diagnoses	Art. 43– 76 <b>IMPORT CONTROLS</b>	Art. 77-91 Financing OC + official certification	Art. 92-101 EURLs EURCs	Art. 102– 108 Administrative Assistance + Cooperation
Art. 109- 115 Planning + Reporting	Art. 116– 124 Commission Controls	Art. 125– 129 Conditions for entry into the EU	Art. 130 Training (BTSF)	Art. 131– 136 IMSOC	Art. 137– 141 Enforce- ment

## Common Provisions - Articles 142 – 167

5



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# Delegated and implementing acts

*EMPOWERMENTS are given to the Commission to ensure the implementation of the Regulation through...*



**Implemented Acts (IA):  
HOW?**  
**(Uniform conditions for  
implementation)**



**Delegated Acts (DA):  
WHAT?**  
**(Supplement or amend  
non-essential elements)**

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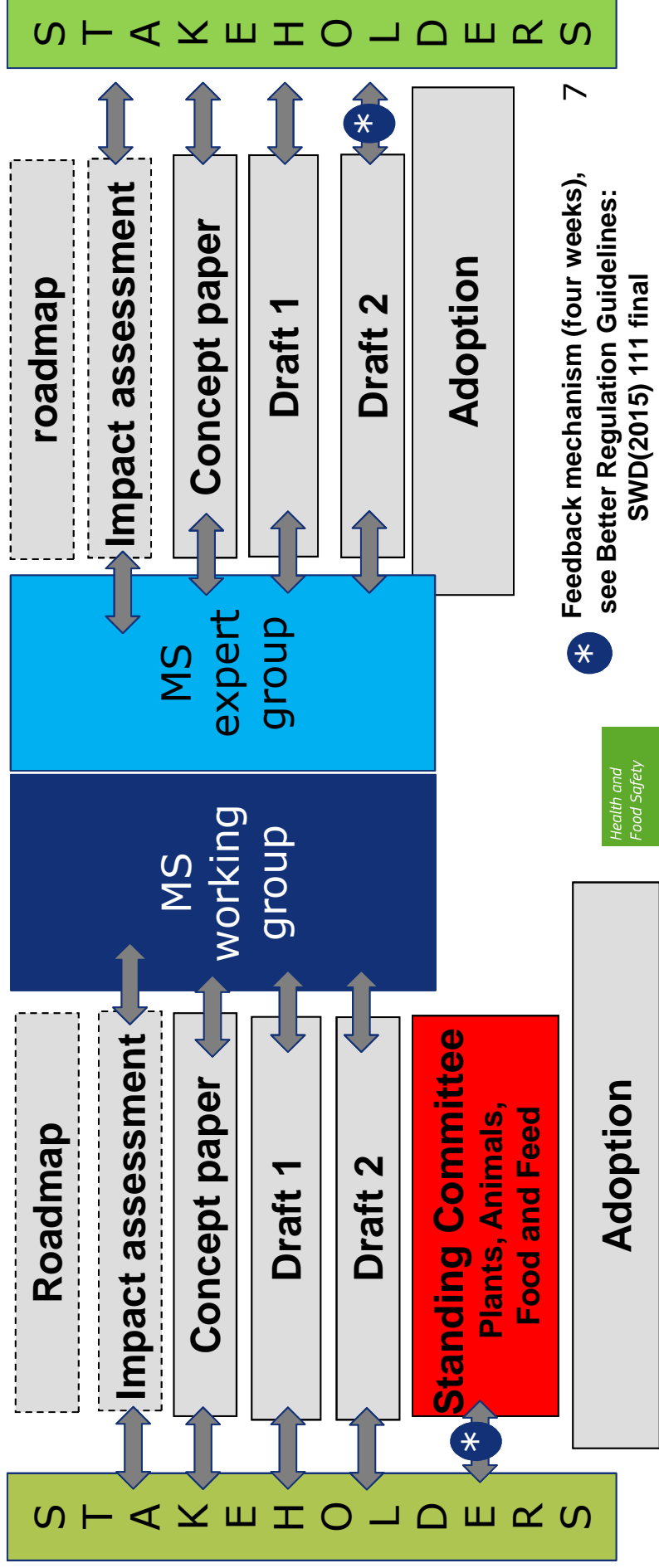


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# Standard decision making process

## Implementing Act (IA)

## Delegated Act (DA)





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<b>Unit in charge</b>	<b>Topics</b>										
<b>G.3</b>	Certification for ship suppliers	List of animals and goods, with CN codes	Additional categories (composite products, hay and straw)	Animals and goods exempted from BCP controls	Training of BCP staff	CHED as an accompanying document	Transit, transshipment and onward transportation	Derogation from rules on documentary checks for plants in transit or transshipment	Details of checks performed at BCPs	Controls performed elsewhere than BCPs; controls by customs	Cases and conditions where competent authorities may request prior notification by operators
	Frequency of identity and physical checks at BCPs	Prior notification	Listing of BCPs	Derogation from certain BCP requirements	BCP facilities	Intensified controls	Specific official controls and measures in cases of non-compliance	Monitoring of consignments from BCP to destination			





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<b>Unit in charge*</b>		<b>Topics</b>	
<b>D.2</b>		Temporary measures on entry into the Union of certain goods	
<b>E.2</b>	Control programmes and reports on VMP	Measures in case of non-compliances related to VMPs	Import conditions for third countries for controls of VMP and pesticides residues and contaminants
<b>E.4</b>		National control programs on pesticide residues	
<b>F.6</b>		Establishing standard model forms for the submission of the annual report on the operation of their multi-annual national control plan by MS	Establishing the (multi-)annual programme of controls carried out by Commission experts in the MS
<b>G.1</b>		Minimum frequencies for plant health controls	Designation of the 5 EURLs
<b>G.2</b>		Designation of an EU Reference Centre For Animal Welfare	
<b>G.4</b>		Meat inspection practice	Conditions to be respected by certain food entering the Union
<b>G.5</b>		Meat inspection	Laying down lists of third countries allowed to enter products of animal origin on the Union market
		Administrative Assistance and Cooperation	Exchange of information between authorities
		Rules for rapid exchange of information (AAC)	Format of the CHED
		Model certificates for entry into the Union	
		The functioning of the IMSOC	

\* **coordination G3**

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# Sector specific rules

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## Example: Meat inspections (Art 18)

- Role of veterinarians, definition of "low capacity slaughter houses", derogations for reindeer etc.
- SPS notification ongoing.
- DA: Submission to EP and Council in Q1 2019.
- IA: Final opinion of PAFF on 17 December 2018.
- Publication of both acts: Q2 2019



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# Entry into the Union

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# A modernised system for border controls

A common, risk based framework for border controls on all animals and goods entering the EU

## Border Control Posts (BCPs) replace

- Border Inspection Posts (BIPs)
- Designated Points of Entry (DPEs)

Minimum requirements for

**facilities - equipment - staff**

**Common Health Entry Document (CHED) single standard document for the prior notification of consignments**

Data transmitted through **IMSOC** = integration of existing computerised systems (including TRACES, RASFF, Europhyt)



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# Entry into the Union – Main rules

## "High risk"

Animals, products of animal origin, germinal products, animal by-products, plant products and certain feed and food of non-animal origin\* =

Designated **BCP** of first arrival

Always documentary checks; risk based identity and physical checks

## "Low risk"

Animals and goods whose inherent risks do not require systematic border controls =

An **appropriate place** within the customs territory of the Union

Regular, risk based controls with appropriate frequency (established by MS)

**New IT system. Same set of measures in cases of non-compliance, including enforcement measures**

\* A list with CN codes to be established



# **Empowerments**

## **Some examples of ongoing work related to the entry into the Union**

### **(Main target date: 14/12/2019)**



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# "Informal negotiations concluded"





# Article 47(2)a

## List of animals and goods, with CN codes

## List of CN codes

- Identifies animals and goods subject to systematic border controls
- Plants and plant products on separate list (PHL)
- Builds on existing list (Decision 2007/275, as amended), with very few exceptions



# Article 47(3)

## Composite products, hay and straw

## **Composite products, hay and straw**

- Subjects composite products, hay and straw to systematic border controls
- No definitions (recital 54, builds on Reg. 853/2004)
- Linked to other acts (e.g. new import conditions)
- Current rules apply until 21/04/2021
- Public feedback finished, one comment (ABP)
- SPS notification launched on 12/10/2018



# Article 50.4

## CHED accompanying consignments



# CHED accompanying consignments to their destination

- For imported consignments only.
- IMSOC has a big role to play.
- Paper copy of CHED?



# Article 58b

## Minimum time requirements for prior notification



## Prior notification

OCR: notify "before the physical arrival"

- Implementing act:
  - General minimum time requirement of "one working day"
  - Flexibility: 4 hours in case of "logistical constraints"





# Article 62(3), 64(2) and 64(5)

## BCP designation - certain derogations

# Re-designation of the BCP

## Derogation:

- re-designation of the BCP after partial withdrawal of designation not dependent on favourable outcome of Commission controls

## Conditions:

- Member State must notify the Commission of the measures it has taken to remedy the non-compliance with the minimum requirements;
- Within a period of one month from the date of receipt of the notification, the Commission must assess whether or not the measures taken are sufficient;
- Member State can proceed with the re-designation only where the Commission considers the measures sufficient;
- The derogation can be invoked only where the re-designation of the BCP takes place within a period of two years from the date of the partial withdrawal of the designation.



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# Geographical Constraints - BCP at a distance from the point of entry into the Union

## Derogation:

- Member States may designate a BCP not situated in the immediate vicinity of the point of entry

## Conditions:

- Specific cases of geographical constraints (e.g. points of entry with a geographical configuration that imposes major constraints on the transportation system; points of entry subject to recurrent floods in certain periods of the year; maritime wharves surrounded by cliffs; etc.)
- BCP distance from the point of entry into the Union commensurate with the need to overcome the constraints of geography and it does not go beyond that need;
- BCP at an appropriate distance from establishments or places where animals, plants, plant products or other objects likely to be infected with transmissible diseases or pests are kept or grown;
- BCP and the point of entry are under the remit of the same custom authority<sup>27</sup>



# Article 65.6

## Intensified controls



## Intensified controls

- Coordinated intensified controls.
- "10 consignments" + at least 10 times the weight of the triggering consignment?
- Key role for the IMSOC.



# Article 126

## Import conditions



## Import conditions

- Last meeting on 25/09 (de-listing of establishments).
- Includes composite products, insects, sprouts etc.
- SPS notification launched on 12/10.



# Article 134 (etc.)

## IMSOC





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# The IMSOC act – legal bases

- **General Food Law (Reg. 178/2002)**
  - Article 51 (RASFF)
- **Animal Health Law (Reg. 2016/429)**
  - Article 23 (ADNS/ADIS)
- **Plant Health Law (Reg. 2016/2031)**
  - Article 104 (EUROPHYT)
- **Official Controls Regulation (Reg. 2017/625)**
  - Article 58a (format of the CHED)
  - Article 75(2) (Cooperation with Customs)
  - Article 90(1)(f) (electronic certificates)
  - Article 102(6) and 103(6) (Administrative Assistance and Cooperation)
  - Article 134 (IMSOC)



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# What is IMSOC?

Keywords

CONSOLIDATION-EFFICIENCY

**Name:**

Information Management System for Official Controls

**Is it a new IT application?**

**NO!**

It's a concept to allow our EU systems to exchange information and share features (and with MS systems)

**Will it add further burden to our activities?**

**NO!**

It will be designed to make your life easier

**Will it replace the current systems?**  
(traces/bovex/europhyt/irasff/aac)

**NO/YES**

It will connect them and extend functionalities (some systems will be absorbed)

**What is its purpose?**

**Toward a better collective controls efficiency**

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# "Advanced stage"

# **Article 48**

# **Derogations from BCP controls**

# **+ Article 77.1.abk**

# **Specific controls**

**(a bundled DA under both articles)**



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## Exemptions from controls at BCP (1/5)

- **Par. (a) Art 48 – Goods sent as trade samples or as display items for exhibitions and not intended to be put on the market**

*Current legislation : no control at BCP, Member state authorization in advance, goods destroyed after exhibition : Dir. 97/78, Art. 16(1) (e) and (f); for animal by-products/ABP Regulation (EU) No 142/2011, Art. 28*

*Policy choice : no exemption for goods of animal origin, nor for ABP, nor for plants. Exemptions for feed and food of non-animal origin under temporary increase of controls: no DA under OCR Art 48, but IA under OCR Art 47,2b and General Food Law Art 53,1,b,iii*

- **Par. (b ) Art 48 – Animals and goods intended for scientific purposes**

*Current legislation : no control at BCP, Member state authorization in advance, goods destroyed after use? : Goods Dir. 97/78, Art. 16(1) (f) - ABP Regulation (EU) No 142/2011*

*Policy choice : retain current rules for animals-by-products and plants. New exemption on animals (invertebrates only)*



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## Exemptions from controls at BCP (2/5)

- **Par. (c) – Goods intended for consumption by crew and passengers**

*Current legislation : no control at BCP, destruction of goods not consumed (or for vessel : goods transferred directly to another vessel at the same port) : Dir. 97/78, Art. 16(1) (c).*

*Policy choice : retain current rules*

- **Par. (g) – Goods which have undergone specific treatment:**

*Current legislation : no control at BCP, Member state authorization by advance, small quantities, heat treatment in an hermetically sealed containing, sent to natural persons: Dir. 97/78, Art. 16(1) (d)*

*Policy choice : no exemption from BCP controls : no need to use the OCR empowerment*



## Exemptions from controls at BCP and Specific controls (3/5)

- **Par. (d) Art 48 and Par. (k) Art77.1 – Passengers' personal luggage:**

*Current legislation :Currently rules on products of animal origin in passengers' personal luggage (including certain pet feed too) are laid down in Dir. 97/78 and legislation based thereupon (Regulation (EC) No 206/2009).*

*Policy choice : retain current rules – repeal of Regulation 206/2009 + Posters*

- **Par. (e) Art 48 and Par. (k) Art77.1 – Small consignments :**

*Current legislation : Current rules on small consignments sent to a private person are laid down in Dir. 97/78 and legislation based thereupon (Regulation 206/2009, Art. 1). Furthermore, Commission Dir. 2008/61/EC establishes the conditions under which certain harmful organisms, plants, plants products and other objects listed in Annex I to V to Council Dir. 2000/29/EC may be introduced into or moved within the Community or certain protected zones thereof, for trial or scientific purposes and for work on varietal selections. Same provisions for Small consignments and Passengers' luggage*

*Policy choice : retain current rules – repeal of Regulation 206/2009*



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# Exemptions from controls at BCP and Specific controls (4/5)

- **Par. (f) Art48 and Par. (k) Art77.1 – Pet animals: Exempt pets covered by Reg. (EU) No 576/2013**

*Current legislation : Rules on the controls of pets are currently laid down in Regulation (EU) No 576/2013 on non-commercial movements. That Regulation has been repealed by the AHL as from 21 April 2021, but as a transitional measure it continues to apply until 21 April 2026.*

*Policy choice : retain current rules = exempt from controls at BCP, subject to specific controls (Art. 77(1) (k)) + Poster*

- **Par. (h) Art48 and Par. (k) Art77.1 – Low risk animals and goods: (1) Remote territories & (2) Transfer of EU-fish in non-EU countries (3) Frozen tuna directly landed**

*Current legislation: (1) Decision 94/641 (rules applicable to veterinary checks to be carried out on products imported into certain Greek islands from third countries) and Decision 2012/44 (rules applicable to veterinary checks to be carried out on live animals and products of animal origin entering certain French overseas departments from third countries), (2) Regulation 2017/1973 on fishery products caught by EU vessels and transferred in non-EU countries before entering the EU regulation establishes a simplified model health certificate. (3) Dir. 97/78. art 19.2*

*Policy choice : retain current rules = subject to specific controls (Art. 77(1) (k)) - (1) exempt from controls at BCP, (2) documentary check at BCP and BCP may decide not perform identity/physical checks (3) exempt from controls at BCP but official control at the establishment of destination*





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## Specific controls (5/5)

- **Par. (a) Art77.1 – Fishery products directly landed**

*Current legislation : **Fresh** fishery products = Dir. 97/78. art 19.2*

*Policy choice : retain current rules = exempt from controls at BCP, subject to specific controls (Art. 77(1) (k)) - same DA article will cover this Par (a) and Frozen tuna directly landed (see **(3)** previous slide)*

- **Par. (b) Art77.1– Unskinned, furred wild game**

*Current legislation: Dir. 97/78. art 8.2*

*Policy choice : retain current rules = documentary, identity and a part of physical check at BCP and finalization of physical checks at the establishment of destination*



# Article 51(1)

## Transit and transshipment



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# Transshipment of animals and goods Time limits and arrangements for controls at BCPs

## **Live animals referred in 47.1(a):**

No time limits established (documentary/identity/physical checks at time of arrival)

## **Goods referred in 47.1(b) (products of animal origin, animal by-products, germinal products, composite products, hay and straw):**

Documentary checks after transshipment period of 3 days in airports, 30 days in ports (90 days if goods are not subject to AH import requirements)

## **Goods referred in 47.1(c) (plants, plant products and other objects):**

Documentary checks after transshipment period of 3 days in airports, 30 days in ports (checks performed on a risk basis)

## **Goods referred in 47.1 (d),(e) and (f):**

Documentary checks after transshipment period of 90 days in airports, ports (checks performed on a risk basis)



## Transit of animals and goods (TC-MS-TC)

### **Live animals referred to in 47.1(a):**

If documentary, identity, physical checks at BCP are favourable

### **Goods referred to in 47.1(b):**

If consignments comply with AH import requirements, documentary and identity checks favourable, containers sealed, transported under customs supervision within 30 days, without being unloaded or split (under certain conditions possible to temporary storage in customs warehouses and free zones).

### **Goods referred to in 47.1(c):**

If consignments comply with PH requirements for transit, documentary, identity and physical checks favourable, transported under customs supervision.



## Transit of animals and goods (MS-TC-MS)

### Animals and goods referred in 47.1(a) and (b):

- Consignments are moved under customs supervision
- Re-enter the Union at designated BCP
- Checks by competent authority of the BCP of re-entry: documentary check and where required by specific rules verify the seal on containers



# Article 52

## Details of BCP checks



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## Details of BCP checks

- IA to lay down detailed rules on the operations to be carried out **during and after** the documentary checks, identity checks and physical checks for the performance of specific official controls for animals and goods
- Documentary checks – examination of documents which are required to accompany consignments
- Identity check – by visual inspection to verify content of the consignment correspond to the information in documents.
- Physical checks - to verify compliance with the rules referred to in Article 1(2) of OCR
- Based on requirements in current legislation



# Article 54(3)

## Frequencies of physical and identity checks at BCPS





# Frequencies of BCP controls (identity and physical checks), part I

- Establish risk based frequency for identity and physical checks, on animals and goods referred to in point a), b) and c) of Article 47(1) of the OCR
- Necessary to take into account elements such as the outcome of Commission controls in third countries and data collected in IMSOC (Traces, annual reports etc.).
- IMSOC to recommend (?) a frequency and to run random selection of consignments for checks



# Frequencies of BCP controls (identity and physical checks), part II

- It is proposed to set the recommended frequency for animals, plants and plant products at 100%, as today - Possibility for reduced frequency as provided in current legislation
- For POAO similar approach to what provided in current legislation (frequency of physical checks associated to certain categories of products and adjusted to take account of third country profile and IMSOC data)



# Article 77(1)h Re-entry into the Union



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## Re-entry into the Union

- Specific official controls for animals and goods **following a refusal of entry by third country.**
- The competent authority shall carry out **documentary and identity checks** and, in case of suspicion, physical checks.
- The CA at the BCP shall check if requirements for re-entry are fulfilled:
  - Regarding Animal Health (animals, goods, germinal, by-products) and Plant Health (plants and plant products) requirements established in relevant sectoral legislation.
  - Regarding Public Health requirements for POAO (Article 126 of OCR). Similar to existing rules.
- Not obligatory to go back to the place of origin.
- **Monitoring of arrival** of the consignments to the destination based on empowerment of Article 77.2 of the OCR.



# Article 77(2)

## Monitoring Transport and arrival of consignments



## Article 77(2) Monitoring Transport and arrival of consignments (I)

- Monitoring from BCP of arrival to the establishment at the destination of live animals and goods in cases and time limits provided for the Union legislation
- Information from BCP to CA at destination
- Information from operator responsible for establishment to CA at destination within one day after arrival of the consignment



## Article 77(2) Monitoring Transport and arrival of consignments (II)

- CA at destination shall notify the BCP of arrival within 3 days after arrival of the consignment and to carry out regular checks
- In cases when no confirmation is received within time limits CAs shall investigate to determine the actual destination of the consignment and take appropriate enforcement action if necessary



## **UPCOMING OCR MEETINGS (on entry into the Union)**

- 5-6 December 2018
- 19 December 2018
- 29 January 2019
- 26 February 2019 (tbc)





# See SANTE website for more information:

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European Commission > Food Safety > Food > Official controls and enforcement.

FOOD

HEALTH | ANIMALS | PLANTS | AMR

## Official controls and enforcement

Official controls are carried out by the competent authorities in the Member States to verify business compliance with the requirements set out in agri-food chain legislation.

The agri-food chain encompasses activities preceding and comprising the production of food, i.e. from farm to fork, stable to table). It ranges from primary and animal production, to food manufacturing and supply, including activities that take place at the retail level. The agri-food chain covers the safety and quality of food and feed, plant health, animal health and welfare. They also cover import controls on animals and goods entering the EU from third countries (i.e. countries outside the EU).

**EU Member States are responsible for the enforcement** of agri-food chain legislation. Competent authorities organise official controls systems on their territory to verify that operators' activities and goods placed on the EU market (either EU produced or imported from non-EU countries) comply with relevant standards and requirements. All **business operators must ensure compliance** with EU agri-food chain requirements in their daily activities. They are subject to official controls irrespective of their size, depending on the risk posed by different activities to the safety of the agri-food chain.

The role of the EU is to assure that the control systems at national level are effective. This is the task of **Directorate-General for Health and Food Safety (DG SANTE)**, through its **Health and Food Audits and Analysis Directorate** (previously called "Food and Veterinary Office" – FVO). It carries out inspections in EU Member States and in non-EU countries exporting to the EU to evaluate compliance with EU standards.

RELATED LINKS

- DG Health and Food Safety (audits and analysis directorate)
- Trade Control and Export System (TRACES)
- Rapid Alert System for Food and Feed (RASFF)

RELATED DOCUMENTS

- Regulation (EU) 2017/623
- Regulation (EC) No 853/2004

QUICK LINKS

- Rapid Alert for Food and Feed (RASFF)
- Health and food audits and analysis
- European Food Safety Authority (EFSA)

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# Have your say: Give feedback on draft acts



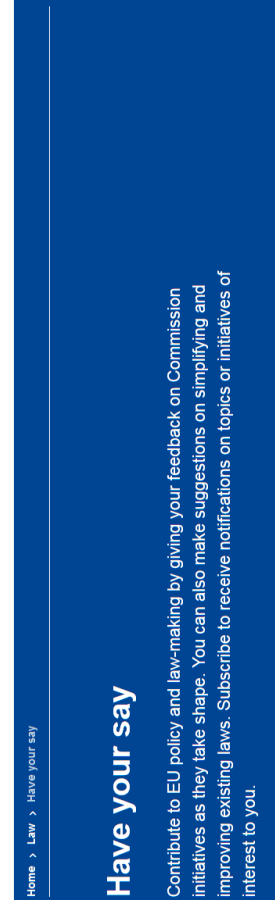
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# Stakeholders' feedback procedures

- Stakeholders are invited to provide feedback along the policy cycle.
- Structured feedback can be received for draft DA and IA, during a period of 4 weeks, usually:
  - once informal discussions with MS of a DA are concluded, or
  - after the vote of an IA in the standing committee (PAFF).
- Comments received will be analyzed by the Commission services before the act is finally adopted.



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*THANK YOU!*