

Commission Notice on the implementation of Regulation (EU) 2017/625 - Official Controls Regulation

SANTE Advisory Group, 17 November 2023

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Guidance on OCR - Published

Official controls/
other official
activities

Delegation

Sampling/analyses:
SEO, methods,
official labs

Financing

EURLs, EURCs

Guidance on OCR – New parts

Consignments entering the Union [Chapter V]

Official veterinarian [Art.18]

Official certification [Chapter VII]

Delegation (accreditation) [Chapter III]

E-commerce [Art.9, 36]

Reporting of infringements [Art. 140]

Listing of operators [Art.10]

Audit vs inspection [Art.14]

Derogations from accreditation - OL [Art. 41]

Commercial storage facilities [Art. 64, IA (EU) 2019/1014]

Consultation with MSs, stakeholders – concluded

Consignment entering the Union

Official control rules for consignments entering the Union

- General rules
- Certification rules
- Performance of checks
- CHED
- Change of purpose, special treatment

Illegal entry of consignments in the Union

- Notification
- Measures
- Incorrect CN codes

Handling of non-compliant consignments

- Rejection before release on the market
- Non-compliance detected after release on the market

Consignment – official certification

Same type, class, description
(exception for plants, plant products and other objects)

Same model certificate for entering the Union

Same guarantees according to the model certificate

Same traceability information

Consignment – official certification

Transit, transshipment – conditions for TCs to issue a new certificate

Multiple certification for mixed products, compound feed/fertilisers

- Containing different ingredients of AO (e.g. fisheries, dairy)
- Traceability between official certificates
- One CHED

Phytosanitary certificates for export, re-export

Consignment – highlights for operators

Prior notification – 1 w.d. before arrival (exceptions for I.constraints/ wood)

Alignment of CN codes between CHED and customs declaration

BCP decision defines option in customs declaration

Change of purpose – CHED replacement

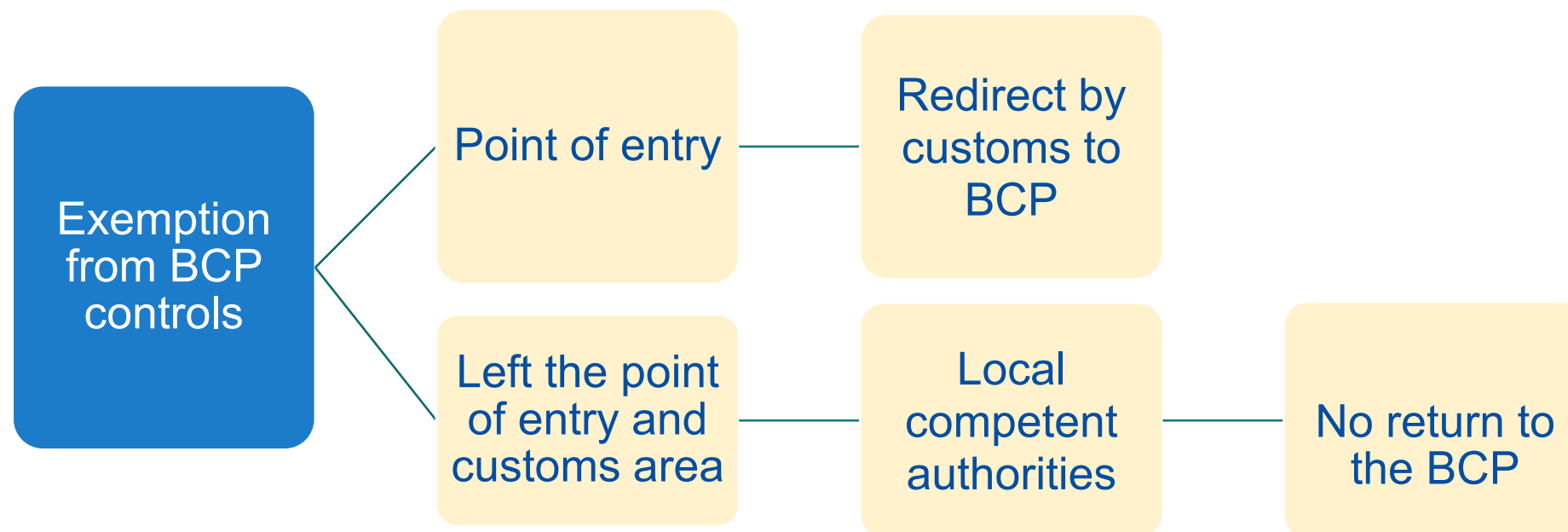
Special treatment – no CHED replacement, consignment rejected

CHED PP – link to one phytosanitary certificate of export/re-export

Consignment – CAs for Official controls

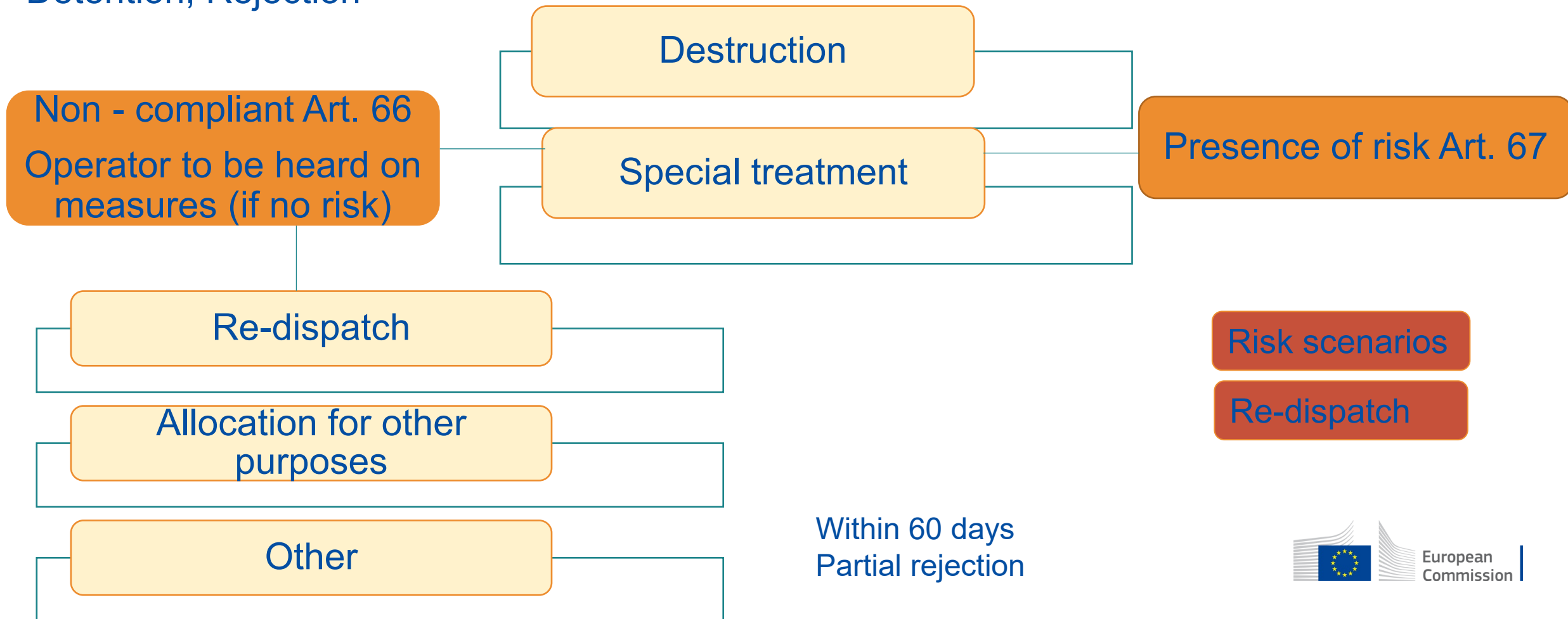
BCP authorities, local CAs

Role of custom authorities

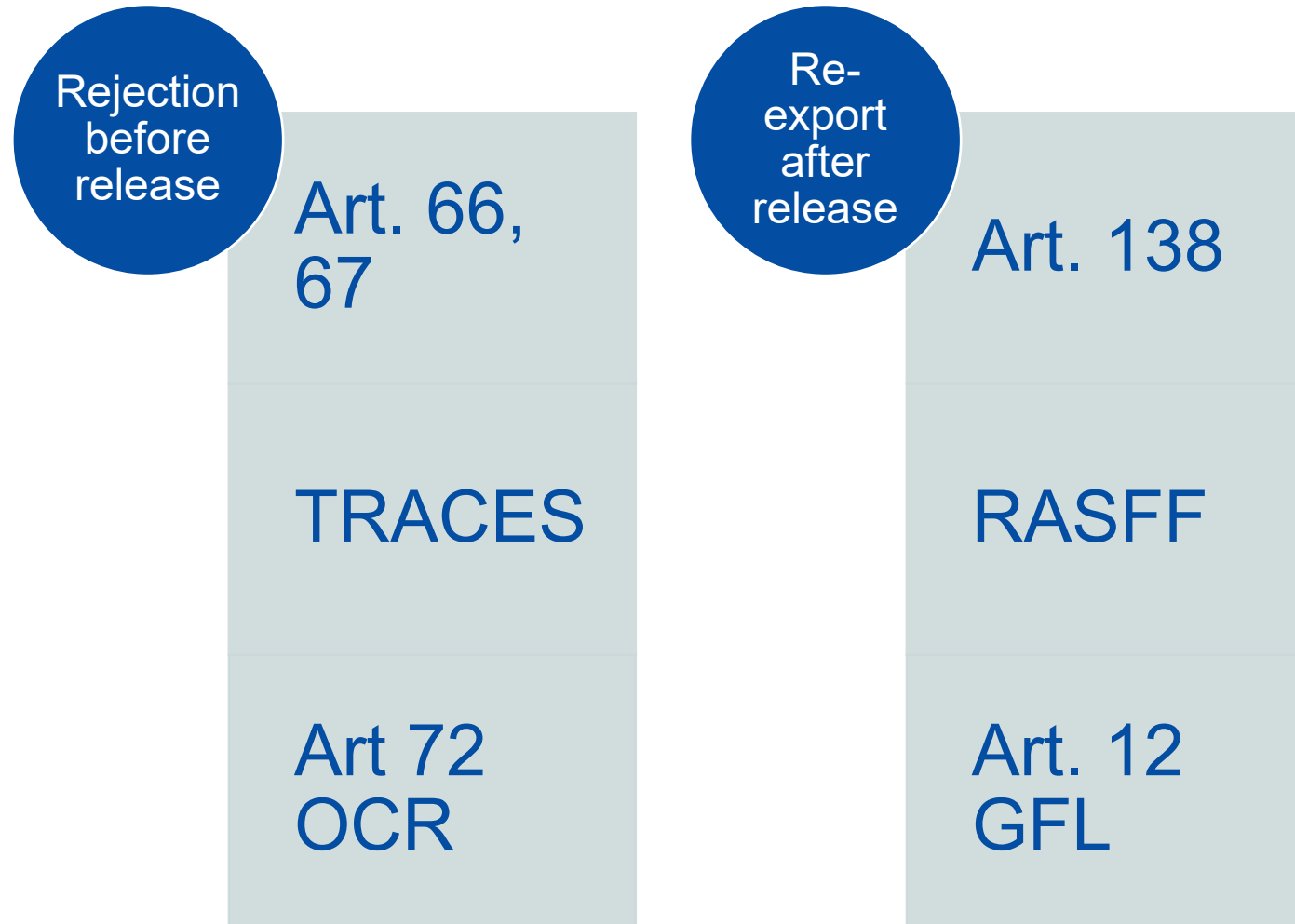


Consignment – Handling of non - compliances

Detention, Rejection



Consignment – Handling of non - compliances



IOC through TRACES

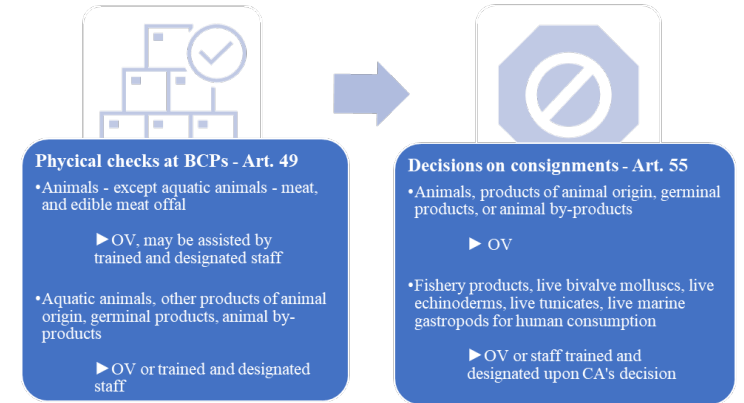
the Official veterinarian



At the BCPs
Art. 49, 55 OCR



At establishments producing
products of animal origin
Art. 17, 18 OCR



the Official veterinarian and auxiliary

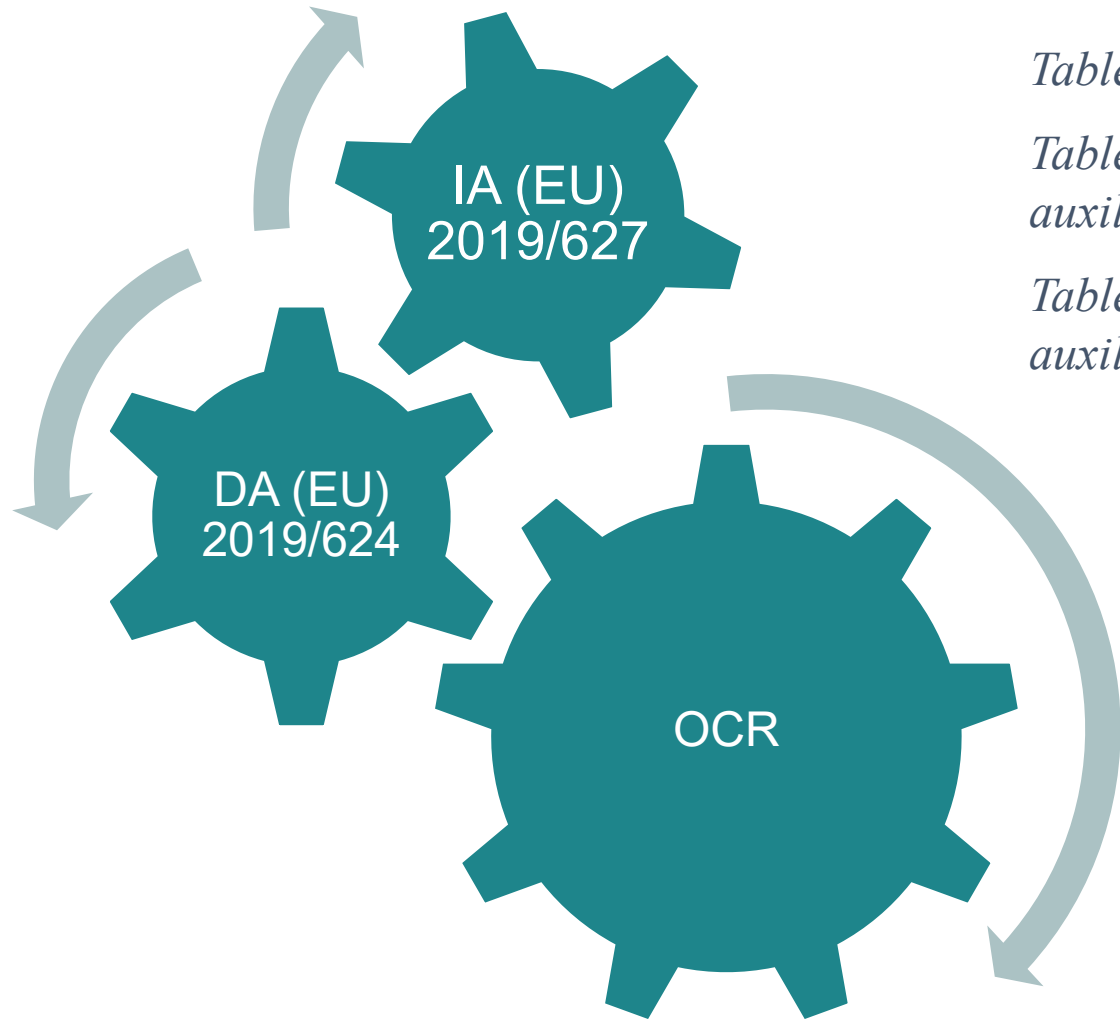


Table 1: Tasks performed by the official veterinarian

Table 2: Tasks performed by the official veterinarian or the official auxiliary under supervision

Table 3: Tasks performed by the official veterinarian or the official auxiliary under supervision or responsibility

Official certification - Articles 86-91 OCR

Official certificate

Examples

- animal health certificates: Articles 149, 161, 167 and 216 of the AHL
- official certificates: Article 11 of Commission Implementing Regulation (EU) 2019/1793
- certificate of Article 35 of Regulation (EU) 2018/848 on organic production and labelling of organic products

Official attestation

Examples

- health and identification marks: Article 18(4) of the OCR and Article 5 of Regulation (EC) No 853/2004
- plant passports, as provided for in Section 2 of Regulation (EU) 2016/2031
- protected designations of origin and protected geographical indications symbols pursuant to Article 12 and traditional speciality guaranteed pursuant to Article 23 of Regulation (EU) No 1151/2012

Delegation of tasks - Articles 28-33 OCR

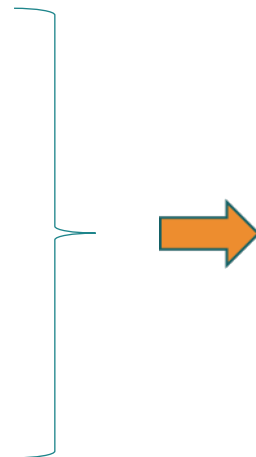
Accreditation Art. 28-33 OCR

Preferred standard:

EN ISO/IEC 17020 for inspection tasks

Unless another standard :

- required by sectoral legislation
- corresponding better to nature of the delegated tasks



Accreditation Art. 34-41 OCR

EN ISO/IEC 17025

Designation of official labs

- EN ISO/IEC 17065, Certification
- EN ISO/IEC 17021-1, Audit
- ISO 22003-1, Audit FSMS

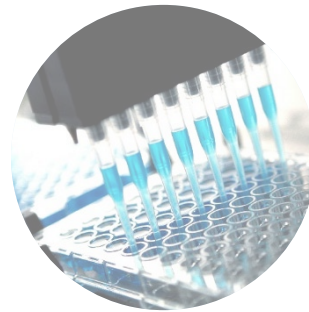
E-Commerce

Applicable rules



Registration of operators

- in MS of location
- specify online activities



Sampling and analysis

- part of risk-based controls
- 'mystery shopping' for official sampling



Action in the event of non-compliance

- by MS of location
- AAC / RASFF



Digital service providers

- Digital Services Act

E-commerce

Best practices



Web searches

- identify operators + products
- use suitable hard-/software



Controls of online product information



Establish contacts to relevant intermediary service providers



Enforcement powers against other relevant operators

- OCR competent authorities, or
- cooperation with other national authorities



E-Commerce

Further issues for discussion

- enforcement / investigation powers of CAs
- mystery shopping
- border controls
- platforms / marketplaces (↔ Digital Services Act)

Possible next steps

- specialised sub-group of OCR Working Group
- collaboration with DG CNECT (Digital Services Act)

Reporting of infringements

Article 140 OCR:

„Member States shall ensure that competent authorities have effective mechanisms to enable reporting of actual or potential infringements of this Regulation. “

„reporting persons“

infringements of OCR

Whistleblower Directive

Directive (EU) 2019/1937 on the protection of persons who report breaches of Union law

Whistleblowers

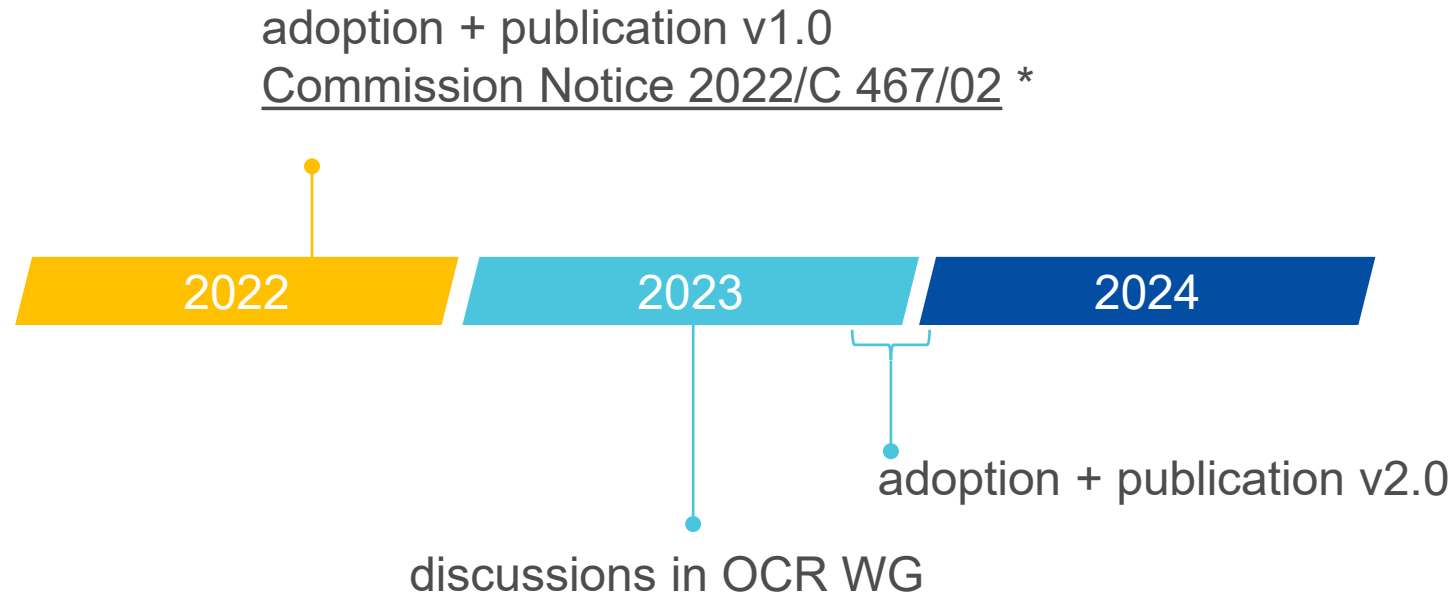
infringements of rules in Annex



requirements for reporting channels

- written procedures
- impartiality of contact persons
- handling of reports and follow-up
- personal data protection

OCR guidance



* [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52022XC1208\(01\)](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52022XC1208(01))

Thank you!

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