



# Official Controls Regulation

**Novelties in its tertiary legislation**

**SANTE/G3  
02/03/2020**



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- *Animal welfare*



# **Impl. Regulation (EU) 2018/329** **(EU reference centre for animal welfare - pigs)**

Consortium of:

- Wageningen Livestock Research (WLR) - The Netherlands (NL)
- Aarhus University (AU) - Denmark (DK)
- Friedrich-Loeffler-Institut (FLI) – Germany (DE)

Focused on scientific and technical support to EU member states in the context of official controls on pig welfare.

<https://www.eurcaw.eu/en/eurcaw-pigs.htm>



# **Impl. Regulation (EU) 2019/1685**

**(EU reference centre for animal welfare – poultry and other small farmed animals)**

Consortium of:

- Agence Nationale de Sécurité Sanitaire de l'Alimentation (ANSES) – France (FR)
- Institut de Recerca I Tecnologia Agroalimentàries (IRTA) – Spain (ES)
- Aarhus Universitet – Institut for Husdyrvidenskab (AU) – Denmark (DK)
- Istituto Zooprofilattico Sperimentale della Lombardia e dell'Emilia Romagna (IZSLER) – Italy (IT)

Focused on scientific and technical support to EU member states in the context of official controls on the welfare of poultry and other small farmed animals.

Operational as of 1 February 2020.



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- *Plant health EURLs*

# Delegated Regulation (EU) 2018/631 (establishment of plant health EURLs)

European Union reference laboratories established as regards

- a) quarantine pests provided for in Article 3 of Regulation (EU) 2016/2031 and
- b) pests which are not included in the list of Union quarantine pests but which may, in accordance with Article 30(1) of that Regulation, fulfil the conditions for inclusion in that list,

and on the basis of the categorisation set out in Directive 2000/29/EC:

- a EURL for insects and mites,
- a EURL for nematodes,
- a EURL for bacteria,
- a EURL for fungi and oomycetes,
- a EURL for viruses, viroids, and phytoplasmas.

# Impl. Regulation (EU) 2019/530 (designation of plant health EURLs)

EURLs:

- Insects and mites (consortium lead by ANSES),
  - Nematodes (consortium lead by ANSES),
  - Bacteria (consortium lead by NVWA-NRC),
  - Fungi and oomycetes (ANSES),
  - Viruses, viroids, phytoplasmas (consortium lead by NVWA-NRC).
- Start of work: August 2019.
  - To be reviewed regularly.



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- *Residues*





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# Delegated Regulation (EU) 2019/2090 (residues)

Stricter follow-up approach, for instance: All animals of the batch, from which one or more animals were confirmed to have been subject to an illegal treatment, have to be destroyed unless the CA at the request and expense of the operator agrees to test all animals.

Aquaculture: When one sample of a cage, pond or pen is non-compliant, all animals in the pen, pond or cage shall be considered to have been subject to an illegal treatment.

Animals arriving at the slaughterhouse whose withdrawal period hasn't expired yet: The only options that remain are 1) the killing and destruction of the animals, or 2) to postpone the slaughter by keeping the animals for a certain period at the slaughterhouse and slaughter them after the withdrawal period has expired.



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- *Food of animal origin*

# Delegated Regulation (EU) 2019/624 (meat and live bivalve molluscs)

- Clear conditions and criteria for delegation of/assistance in meat inspection tasks.
- AMI at holding of provenance: always OV (also in case of emergency slaughter) and allowed for all species.
- Status-quo as regards live bivalve molluscs.
- New training requirements for staff designated by CA.
- Derogations for reindeer and grouse.



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# Delegated Regulation (EU) 2019/625 (import conditions for food)

- Requirements and conditions (and derogations) for listing of third countries.
- Requirements and conditions (and derogations) for listing of establishments (**simplified**).
- Requirements and conditions for certification or attestation.
- Specific requirements for import of live bivalve molluscs, fishery products and composite products (**new**).

# Impl. Regulation (EU) 2019/626 (list of third countries)

List of third countries allowed to import:

- live bivalve molluscs,
- fishery products,
- snails and frogs' legs (separate list)
- insects (**new list**)

Other products of animal origin: ref. to existing AH lists.

Review by 21 April 2021 needed.



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- *What to check at BCPs*

# Delegated Regulation (EU) 2019/478 (composite products, hay and straw)

- Adds composite products, hay and straw to the categories of consignments that are subject to systematic border controls (amends Article 47).
- Reinstates status quo.

# **Impl. Regulation (EU) 2019/2007 (list of animals and goods, with CN codes)**

Builds on existing list (Decision 2007/275, as amended), with very few exceptions (such as empty gelatine capsules).

Plants and plant products on separate list (PHL).

Does not cover composite products (those parts of Decision 2007/275 still apply).

To be reviewed before 21/04/2021.



# Delegated Regulation (EU) 2019/2122 (animals and goods exempted from BCP controls)

- Invertebrates intended for scientific purposes.\*
- Research and diagnostic samples “may” be exempted.\*
- Explicit references to customs authorities and rail operators.
- Detector dogs must be “specifically trained”.
- Annual report to COM no longer required (replaced by a review).
- International passenger transport operators must accept that the CA displays posters at easily visible locations in their premises.
- Plants other than plants for planting, plant products etc., regardless of weight.\*\*

\* *If authorised by the CA of the MS of destination prior to their entry into the Union.*

\*\* *Amendment to introduce a 2 kg limit already discussed.*



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# Delegated Regulation (EU) 2019/2123 (checks at control points + at distance from BCP)

- **Documentary checks at distance from the border control post** (plants, plant products and other objects of point (c) of Article 47(1) of the OCR):

At a distance from the BCP or at a control point other than a BCP, provided they are situated in the same Member State as the BCP of arrival of the consignment, or by the CA at the point of entry into the Union.

- **Checks at control points** (plants, plant products, and other objects referred to in (c) and (e) of Article 47(1) of the OCR, and food and feed of non-animal origin subject to the measures provided for by the acts referred to in points (d), (e) and (f) of Article 47(1) of the OCR):

May happen based on a) the operators request or b) the CA BCP decision that identity checks and physical checks be performed at the control point, which has been designated for the category of goods of such consignment and the operator does not object to this decision.

A bilateral agreement between MS of entry and MS where the physical checks will be carried out is no longer required.

- Repeals Commission Directive 2004/103/EC with effect from **14 December 2020**.

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- *Common rules across BCPs*

# Delegated Regulation (EU) 2019/1081 (training of BCP staff)

**Specific training requirements** for the BCP staff assisting the official veterinarian in performing physical checks on animal, except aquatic animals, or on meat and edible meat offal and for staff performing physical checks on aquatic animals, products of animal origin, germinal products and animal by-products (*i.e. not on plants!*).

**Obligation for CAs to develop and arrange training courses** for the staff involved in the performance of physical checks.

Possible for CAs to designate staff who **did not attend** the training specified, where **they received training on the same subjects** as part of the training activities or exchange programmes organised by COM.



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# Impl. Regulation (EU) 2019/1014 (BCP facilities + listing of BCPs)

Greater flexibility with regard to the infrastructure, e.g. as regards shared facilities (rooms/areas for unloading, inspection or housing):

- Facilities may be shared in BCPs designated for categories of packed goods.
- Facilities may be shared in other BCPs provided that the CAs conduct a risk assessment, implement preventive measures, and ensure a time separation between the handling of different consignments during which period the facilities must be cleaned and disinfected.
- Under the same conditions, import control facilities may be used for official controls on goods intended for export or transited through a TC.

A more user-friendly access to information (available online).

# Delegated Regulation (EU) 2019/1012 (BCP re-designation and requirements)

Partial withdrawal: Derogation from Article 59(3), (4) and (5), i.e. one month for COM assessment and no need for COM on-spot visit for re-designation (if done within two years).

Geographical constraints: BCPs at distance from point of entry (if "commensurate"), but under the competence of the same customs authority.

Logs and wood: BCPs may be exempted from Article 64(3)(a), (c) and (f) if preventive arrangements are in place + access to mobile official control team with sufficient staff and equipment, including IT tools.

# Impl. Regulation (EU) 2019/2130 (details of BCP checks)

Main novelty: Phytosanitary checks, in particular Annex III.

- Harmonized approach of import controls (e.g. definition of lot and lot homogeneity).
- Monitoring plan for latent infection testing.
- Sampling for physical checks performed by visual inspection, specific schemes:

rooted non-dormant plants for planting	sampling scheme able to identify with 95 % reliability a level of presence of infected plants of 1 % or above
dormant plants for planting including tubers, bulbs and rhizomes	sampling scheme able to identify with 95 % reliability a level of presence of infected plants of 2 % or above
seeds or plant products that comply with the specific conditions under the reduced frequencies scheme	sampling scheme able to identify with 80 % reliability a level of presence of infected plants of 5 % or above
unrooted cuttings, plants, plant products and other objects, not falling under points (a), (b) and (c)	sampling scheme able to identify with 95 % reliability a level of presence of infected plants of 5 % or above
lots of seeds and leafy vegetables of less than or equal to 500 units	sampling scheme able to identify with 95 % reliability a level of presence of infected plants of 10 % or above

# Impl. Regulation (EU) 2019/2129 (frequency of BCP controls)

Common frequency rates for identity and physical checks (based on baseline criteria + two mechanisms to modify: if information collected by COM and outcome of COM expert controls identify “serious deficiencies”).

Consignments selected randomly by IMSOC

CA may decide that *selected consignments for checks by IMSOC are replaced with another consignment from the same origin and category of goods*





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- *Specific border controls*

# Impl. Regulation (EU) 2019/66 (controls of plants)

Identity checks and physical checks on the plants referred to in Article 73(1) of Regulation (EU) 2016/2031 and enter the Union shall be carried out on at least 1 % of consignments of those plants.

Operators authorised to issue Plant Passports must be checked once per year (as today), unless they have a risk management plan, approved by the CA, in which case: once every two years.

Additional official control if the operators move plant material which has been grown in a demarcated area.

Obligation for CA to check once per year all operators authorised to apply the ISPM 15 mark on wood (+ some risk based criteria).

# Delegated Regulation (EU) 2019/1666 (monitoring of consignments)

Less requirements:

- No need for customs supervision.
- No need for leak-proof vehicles as required by Article 8(4) of Directive 97/78.



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# Delegated Regulation (EU) 2019/2074 (refusal of entry by third country)

Limited to refusal of entry by third country (i.e. commercial refusals not covered!).

Live animals covered as well.

Products of animal origin and composite products:

Public health requirements: No need for confirmation from CA at the destination if the consignment is going back to the establishment of origin (if located in the same MS as BCP).

Animal health requirements: Temporary rules for products of animal origin for human consumption in Implementing Regulation 2019/2098.



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# Delegated Regulation (EU) 2019/2074 (continued)

- Requirements for ABP: Commission Regulation amending Regulation (EU) No 142/2011 under adoption process. (Ref. No D064516/02 - ST 14066/19 + ADD 1). Expected to be adopted beginning of March 2020.
- Plants and plant products: Plant health requirements set out in rules under the Plant health Regulation.



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# Delegated Regulation (EU) 2019/2125 (wood packaging material)

The competent authorities (CA) shall develop monitoring plan.

The competent authorities may request pre-notification by way of the IMSOC, or National information systems, or in other way.

The CA may require the customs authorities, if deemed necessary for the purpose of physical checks and for the duration of those checks, to detain selected consignments in which WPM is present.

Within three working days from the beginning of the detention of the consignment in which WPM is present, the CA shall submit to the customs authorities the results of the checks of the detained consignment.

# Delegated Regulation (EU) 2019/2125 (*continued*)

The CA may request the customs authorities to continue the detention of the consignment for additional three working days in order to complete the checks.

In this case, if technically possible, the customs authority may release the consignment if the operator responsible for the consignment separates the WPM from the consignment.

Where the operator responsible for the consignment in which WPM is present is notified by the CA of the results of the specific official controls through a CHED, the operator shall provide the reference number of the CHED as a supporting document as referred to in Article 163 of Regulation (EU) 952/2013 to any customs declaration which is lodged with the customs authorities for this consignment.

# Delegated Regulation (EU) 2019/2126

(specific controls of animals and goods exempted from BCP controls)

Frozen tuna, simplification: CA "of the nearest border control post" to carry out control (not within "75 km" as before).

Only three Greek islands covered (12 islands before).

Only references to territories and islands (not to the ports/airports or the Traces codes of the Local Veterinary Units).





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- *Increased border controls*

# **Impl. Regulation (EU) 2019/1873 (coordinated intensified controls at BCPs)**

MS will directly notify their proposals in Traces/IMSOC, either from border or market controls.

Ranking of consignments in the series will be determined according to the entering date of laboratory results (and not according to the date of arrival of the consignments).

New rules on consignments' weight will apply as regards the calculation of favourable results to lift the measures ("10+10 rule").

MS will self-manage the consignments to be exempted.

# Impl. Regulation (EU) 2019/1793

## (increased controls and emergency measures on imports of food and feed of non-animal origin)

### Consolidation of existing measures:

- Annex I is based on Annex I to Regulation 669/2009.
- Annex II is based on the existing lists of FFNOA subject to emergency measures of Regulations 884/2014, 2015/175, 2017/186 and 2018/1660 due to the risk of contamination by respectively aflatoxins, dioxins and pentachlorophenol, microbiological and pesticide residues.

**The following categories of consignments are excluded** (if their gross weight does not exceed 30kg):

- trade samples, laboratory samples or display items for exhibition not intended to be placed on the market
- consignments of a non-commercial nature

**Compound foods covered:** solely compound foods listed due to the risk of contamination by aflatoxins (CN Codes in Table 2, Annex II).

**Review on a regular basis (every six months)** of the lists laid down in **Annexes I and II**.

**Annex II products: New and single model official certificate + notes on its completion** (Annex IV) => transitional period in Art. 14(3)- for official certificates issued before 14/02/2020



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- *IMSOC and the CHEDs*

# Impl. Regulation (EU) 2019/1715 (IMSOC etc.)

Four components: iRASFF (RASFF-AAC), EUROPHYT (interceptions and outbreaks), ADIS (ex ADNS) and TRACES.

Integration of EUROPHYT-interceptions in TRACES.

Definition of electronic official certificates and CHEDs in line with the eIDAS Regulation.

Customs access to data: TRACES/national systems/EU single window.

Common template for the CHEDs.

*ADIS to be developed further when tertiary legislation pursuant to AHL will be adopted.*



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- *Use of the CHED*

# Impl. Regulation (EU) 2019/1013 (prior notification)

General requirement of "one working day".

Flexibility for all consignments under Article 47(1):

= 4 hours ("logistical constraints" preventing compliance").

Flexibility for BCPs designated for unprocessed logs and sawn and chipped wood:

= 5 working days (because of "geographical constraints").

# Delegated Regulation (EU) 2019/1602 (CHED as accompanying document)

- For import; Similar approach as in Commission Regulation (EC) No 136/2004 (CVED), although:
- The electronic version is now the original.
- Rules for consignments split at the BCP.
- Electronic communication, CERTEX-IMSOC (from 2023).





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- *Transit, transshipment and onward transportation*



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# Delegated Regulation (EU) 2019/2124 (transit, transshipment, onward transportation)

New destination included: NATO/US military bases in MS or TC.

Traceability of ship-supplying and military bases.

Movement of consignments authorised between approved warehouses.

Plants, plant products and other objects: CA may authorise transit at BCP of introduction into the Union if satisfactory outcome of documentary checks of the signed declaration and physical checks of the consignments to ensure that it is adequately packed and transported through the Union.

BCP shall follow up the matter in case of non-arrival to destination within 15 days.

# Delegated Regulation (EU) 2019/2124 (transit, transhipment, onward transportation)

Flexibility for pre-notification: MS system information instead of 1<sup>st</sup> part of CHED.

New philosophy: No more “sharing” of controls between BCPs involved.

BCP of transhipment shall perform documentary checks of transhipped consignments:

(a) for goods subject to the animal health and animal by-products entry into the Union requirements where the transhipment period:

- (i) at the airport exceeds 3 days;
- (ii) at the port exceeds 30 days;

(b) for goods other than those referred to in point (a), where the transhipment period exceeds 90 days.

Checks can be performed on originals or copies of official certificates or documents accompanying the consignment.

# Delegated Regulation (EU) 2019/2124 (transit, transshipment, onward transportation)

CA should designate onward transportation facility that is a customs warehouse or temporary storage facility, that complies with 6(2) Reg. 852/2004 and Art. 9(2) Reg. 183/2005 (registration within CA) and has the technology for operation of IMSOC.

CA shall maintain and keep up-to-date onward transportation facilities in IMSOC.

Transport to onward transportation facility has to take place under customs supervision.

BCP shall follow-up the matter in case of non-arrival of consignment to onward transportation facility within 15 days (automatic notification by IMSOC).

New categories of goods added: Plants, plant products, and other objects referred to in Article 47(1)(c) and (e) of the OCR, and food and feed of non-animal origin subject to the measures provided for by the acts referred to Article 47(1)(d-f) of the OCR.



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- *Model certificates*



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# Impl. Regulation (EU) 2019/628 (model official certificates)

Requirements for official certificates submitted in IMSOC.

Cross-ref. to existing off. cert. to the extent possible.

- New certificates:
  - animal fats and greaves,
  - reptile meat,
  - insects and
  - other products of animal origin
- New rules on replacement certificates (= legal basis instead of Codex).
- Repealed by 21 April 2021.

# **Impl. Regulation (EU) 2019/2128** **(model certificate for ship supply + NATO/US bases)**

Can be issued electronically (but only when the model is developed in IMSOC, somewhere in 2020).

Confirmation of arrival can be done electronically in IMSOC.

Can be used from customs warehouses to NATO/US military bases within or outside the Union.



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- *Annual reports (standard model)*



# **Impl. Regulation (EU) 2019/723 (standard model MS annual reports)**

Integrates other existing standard model forms adopted by COM for the submission of reports on official controls that the competent authorities are required to submit to in accordance with the rules referred to in Article 1(2).

Electronic format mandatory.

Provided in, and transmitted through, IMSOC.



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- *Transitional rules*



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# Delegated Regulation (EU) 2019/2127 (transitional periods)

For matters in point (b) of Article 47(2) (= *list of animals and goods*), Article 48 (= *exemptions from BCP controls*), points (b), (c) and (d) of Article 51(1) (= *transit and transshipment*), point (a) of Article 53(1) (= *checks at control points*), Article 54(1) and (3) (= *frequency of BCP controls*), and point (a) of Article 58 (= *format of the CHED*) of the OCR, **Directives 91/496/EEC** and **97/78/EC** shall apply until **13 December 2019**.

- **Composite products** (Art.47(2)(a)): Directive 97/78/EC apply until **20 April 2021**.

For matters in Article 47(2), Article 48, points (b), (c) and (d) of Article 51 (1), and point (a) of Article 58 of the OCR, **Directive 2000/29/EC** shall apply until **15 December 2019**.

- **Checks at control points** (Art. 53(1)(a)): **Directive 2000/29/EC** apply until **13 December 2020**.

- **Frequency of border controls** (Art 54(1) and (3)): **Directive 2000/29/EC** apply until **13 December 2022**.

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# Thank you!

- Table of adopted acts (with links to EURLEX):

[https://ec.europa.eu/food/safety/official\\_controls/legislation\\_en](https://ec.europa.eu/food/safety/official_controls/legislation_en)