



# **Official Controls Regulation:**

## **A new framework for better and integrated controls for animals, food and feed in the EU**

Meeting with stakeholders on delegated and implemented acts related to entry into the Union

28/05/2019

**DG SANTE - Unit G3**  
**Official Controls and**  
**eradication of diseases in animals**



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# Key principles of the new regulation

**broader  
scope**

**risk-based  
approach**

**transparency**

**alignment  
(simplification)**

**efficiency**



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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**  
IMPORT  
CONTROLS

**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**



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<b>Unit in charge</b>	<b>Topics</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, transhipment and onward transportation	Derogation from rules on documentary checks for plants in transit or transhipment	Details of checks performed at BCPs	Controls performed elsewhere than BCPs; controls by customs
<b>G.3</b>	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	Cases and conditions where competent authorities may request prior notification by operators	



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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	Establishment of EURL		Designation of the 5 EURLs	
<b>G.2</b>	Specific animal health controls		Designation of an EU Reference Centre For Animal Welfare		
<b>G.4</b>	Meat inspection	Meat inspection practice	Model certificates for entry into the Union	Conditions to be respected by certain food entering the Union	Laying down lists of third countries allowed to enter products of animal origin on the Union market
<b>G.5</b>	Administrative Assistance and Cooperation	Rules for rapid exchange of information (AAC)	The functioning of the IMSOC	Exchange of information between authorities	Format of the CHED

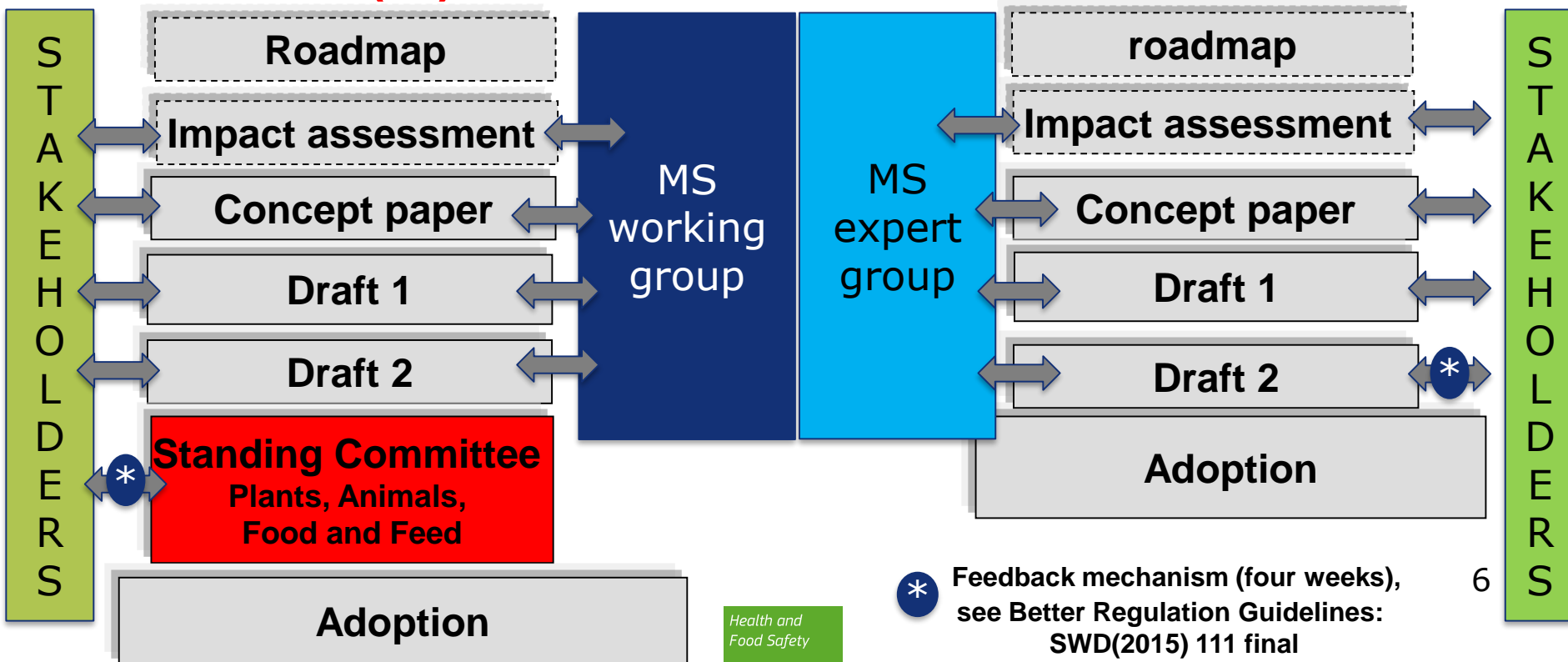


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# Standard decision making process

## Implementing Act (IA)

## Delegated Act (DA)



\* Feedback mechanism (four weeks), see Better Regulation Guidelines: SWD(2015) 111 final



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# Follow-up on the items addressed in the previous meeting on 5 December 2018 (I)

Acts presented in previous meeting	Main objectives	Developments from previous meeting
Article 47(2)(a) List of animals and goods, with CN codes	Identify animals and goods subject to systematic border controls	Inter-Service Consultation (ongoing)
Article 47(3) Composite products, hay and straw	Subjects composite products, hay and straw to systematic border controls	Adopted on 14/01/2019 Published in OJ on 25/03/2019 <b>COM Regulation 2019/478</b>



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## Follow-up on the items addressed in the previous meeting 5 December 2018 (II)

Acts presented in previous meeting	Main objectives	Developments from previous meeting
Article 49(5) Training of BCP staff	Develop and arrange training courses for the staff performing physical checks.	Waiting for publication (2-3 weeks)
Article 62(3), 64(2) and 64(5) BCP designation - certain derogations	Conditions applying for: <ul style="list-style-type: none"><li>• Re-designation of the BCP</li><li>• Geographical Constraints</li></ul>	Adopted 12/03/2019 Soon to be published in OJ
Article 64(4) and 60(2) BCP facilities and listing requirements	Establish detailed rules on minimum facilities, BCP Listing Requirements and Inspection Centres Requirements	PAFF - Voted on 11/04/2019





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## Follow-up on the items addressed in the previous meeting 5 December 2018 (III)

Acts presented in previous meeting	Main objectives	Developments from previous meeting
Article 58(b) Minimum time requirements for prior notification	Establish minimum time requirements for prior notification before the physical arrival of consignments	Voted in PAFF on 26/02/2019 Adopted on 16/04/2019 Soon to be published in OJ
Article 52 Details of BCP checks	Lay down detailed rules on the operations to be carried out <b>during and after</b> checks	In final stage of discussion with MS experts



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# Follow-up on the items addressed in the previous meeting 5 December 2018 (IV)

Acts presented in previous meeting	Main objectives	Developments from previous meeting
<p>Article 51(1) Transit, transshipment and onward transportation</p>	<ul style="list-style-type: none"> <li>• Time limits and arrangements for controls at BCPs</li> <li>• Rules applicable for transit of certain categories of goods and animals</li> <li>• Conditions for authorization of onward transportation</li> </ul>	<p>ISC not yet finalised</p>
<p>Article 53(1)(a)(e) Controls elsewhere than in BCPs</p>	<p>Lay down conditions for identity &amp; physical at control points Documentary checks at distance from BCP</p>	<p>Empowerment of Article 53(1)(e) included in the draft Documentary checks at distance from BCP of consignments of plants, plant products and other objects under art. 47.1(c) ISC to be launched at the beginning of June</p>
<p>Article 77(3) and 90(a)</p>	<p>Model official certificate for ship supply and NATO/US military bases</p>	<p>Discussion with MS finalized. Draft IA launched for ISC</p>



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## Follow-up on the items addressed in the previous meeting on 5 December 2018 (V)

Acts presented in previous meeting	Main objectives	Developments from previous meeting
Article 50(4) Use of the CHED	How and when the CHED should accompany consignments to their place of destination	Adopted on 23/04/2019 Awaiting scrutiny by EP and Council
Article 77(2)	Monitoring of arrival of consignments at the place of destination	Discussion with MS and ISC finalized. Only for products of animal origin, animal by-products. Public consultation finalized on 6 May without comments



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## Follow-up on the items addressed in the previous meeting on 5 December 2018 (VI)

Acts presented in previous meeting	Main objectives	Developments from previous meeting
Article 77(1)(d)	Establish specific official controls for wood packaging material	Discussion with MS finalized. ISC not yet finalised
Article 77(1)(h)	Establish specific official controls for animals and goods returning to the Union after refusal by third country	Discussion with MS finalized. ISC not yet finalised

# Follow-up on the items addressed in the previous meeting on 5 December 2018 (VII)

Acts presented in previous meeting	Main objectives	Developments from previous meeting
<p>Delegated act under Article 48</p> <p><b>Derogations from official controls at BCPs</b></p>	<p>Identify the categories of animals and goods which are exempted from BCP controls</p> <p>Set the conditions under which these derogations apply</p>	<ul style="list-style-type: none"> <li>• End of 2018 : completion of discussions with experts from MSs and with other DG SANTE's units</li> <li>• 1st quarter 2019 : formal consultation of other DG and Legal Services (opinion provided from DG ENV, DG TAXUD and 1st LS's feedback)</li> </ul>
<p>Delegated act under Articles 77(1)(a)(b)(k) and 48(h)</p> <p><b>Specific border controls</b></p>	<p>Establish the controls that shall apply for the categories of animals and goods which are exempted from controls at BCPs</p>	<ul style="list-style-type: none"> <li>• End of 2018 : completion of discussions with experts from MSs and with other DG SANTE's units</li> <li>• 1st quarter 2019 : formal consultation of other DGs and Legal Service (opinions provided from DG TAXUD and 1st LS's feedback)</li> </ul>



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# New items for discussion

## Article 65(6): Intensified official controls

### ***Scope, objective and definition:***

- Lay down rules for the performance of coordinated intensified controls
- These are performed by the competent authorities at the BCP's in cases of suspected fraudulent or deceptive practices by an operator, or in the case of serious or repeated infringements
- Categories of goods concerned (goods referred to in Article 47(1) (b) of OCR Regulation):
  - Products of animal origin
  - Germinal products
  - Animal by-products
  - Composite products and hay and straw (*added by Reg. 2019/478*)

## Article 65(6): Intensified official controls

### *Coordinated intensified official controls (I):*

- MS shall notify COM of decision + indicate origin and infringement
- COM shall assess conditions, and confirm in IMSOC
- If the conditions are met, MS shall perform coordinated official controls on each consignment coming from the same origin, containing the same category of goods and targeting the same type of infringement
- The performance of the controls shall apply until:
  - a favourable outcome is achieved for at least 10 consignments
  - the total weight of controlled consignments reaches at least 10 times the weight of the consignment to which the notification refers
  - **NEW: maximum weight rule (300 tons)**



## Article 65(6): Intensified official controls

### *Coordinated intensified official controls (II):*

- For every infringement revealed, the calculation of consignments in the IMSOC will be reset to zero
- The intensified controls shall be ended when:
  - when the conditions (number and weight) are met, or
  - when a competent authority withdraws its notification.

## Article 65(6): Intensified official controls

### ***Imposed Checks:***

- Extended intensified official controls which apply when during the performance of intensified controls three consignments reveal the same type of infringement
- The COM notifies the third country about the unfavourable results and requests it to investigate + adopt an action plan + report back
- Imposed checks to end when there is a high level of compliance (*sequence of 30 satisfactory results?*) + a satisfactory action plan
- COM shall take further action if the third country does not take appropriate action or if the authorities of MS continue to notify unfavourable results



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# Article 54(3): Establishing Frequency rates for Identity checks and Physical checks

## ***Scope and objective:***

- Establish rules for the uniform application of the appropriate frequency rate of identity and physical checks on consignments of animals and goods intended for release for free circulation.
- In general based in current practice. Based on Decision 94/360/EEC and Regulation 1756/2004.
- Shall be carried out in such a way that it is not possible to predict whether any particular consignment will be subject of checks.
- Selection will be carried out by IMSOC. The competent authority may decide to select different consignment instead of consignment selected by IMSOC.
- Frequency rates may be adjusted based on criteria in Article 54(3)(a) of OCR
- Lists of goods and frequencies will be available in IMSOC.
- Enter in force for animals and products of animal origin (Art. 47(a) and (b) of OCR) from 14 December 2019; plants and plant products (Art. 47(c) of OCR) 14 December 2022 <sup>19</sup>

# Article 47(2)b + Article 53 of GFL: Increased official controls and special import conditions on certain feed and food of non-animal origin

## ***Main objectives:***

- List the goods (feed and food of non-animal origin) from certain third countries subject to a temporary increase of official controls at BCPs (Annex I)
- Consolidate existing emergency measures establishing special import conditions for feed and food of non-animal origin from certain third countries (Annex II)
- Establish rules on the frequency of identity and physical checks, including laboratory tests, for goods listed in Annexes I and II
- *Repealing and replacing Commission Regulations (EC) No 669/2009, (EU) No 884/2014, (EU) No 2015/175, (EU) No 2017/186 and (EU) 2018/1660*

# Article 47(2)b + Article 53 of GFL: Increased official controls and special import conditions on certain feed and food of non-animal origin

## *Main changes compared to draft act presented in Advisory Group on 11 October 2018:*

- Rules on the frequency of identity and physical checks amended to provide for a **fixed frequency**, laid down in the Annexes, and subject to regular review (every six months) by the Commission
- Application to compound products limited to certain compound food in relation to risk of contamination by aflatoxins for which CN Codes are indicated in Annex II

# Article 47(2)b + Article 53 of GFL: Increased official controls and special import conditions on certain feed and food of non-animal origin

## *Developments since previous meeting*

- Discussions with MSs finalized
- ISC finalized

## *Next steps:*

- Technical vote in PAFF Committee on 12/06/19
- Launching of public consultation on 13/06/19
- SPS notification on 13/06/19
- Vote in PAFF Committee on 24-25/09/19
- Adoption – approx. mid-October 2019