



EUROPEAN COMMISSION
DIRECTORATE GENERAL FOR HEALTH AND FOOD SAFETY

Crisis preparedness in food, animals and plants
Unit G.4 Official controls

Minutes
Working Group
"Official Controls Regulation (EU 2017/625)"

Tuesday 24 October 2023, **10H00 – 12H30**
Skype call

WORKING GROUP

1	10:00 –11:00	Updates on ongoing work on CHED-N	<p>The Commission informed on the outcome of the inter-service consultation (ISC). First, there is a lack of legal basis to provide for a new CHED, in addition to the existing CHED formats, for goods subject to Articles 44 to 46 OCR, in an amendment of the IMSOC Regulation. Accordingly, DG SANTE is exploring together with DG TAXUD and the Legal Services the possibility to establish in a Delegated Act under Article 45(4) OCR that operators are to notify the arrival of the consignments via an electronic notification of arrival in TRACES. In that system official controls performed by the competent authorities and decisions on the consignment are recorded as well, using standardised information. This electronic notification of arrival should have the same functionalities as those foreseen for CHED-N, including the CERTEX interconnection for the purposes of release for free circulation.</p> <p>Second, there is a need to further clarify why the notification of arrival is justified for the categories of goods included in the scope of the draft Delegated Regulation.</p> <p>One Member State asked whether the use of CHED-N will be mandatory for food contact materials and whether there will be a deadline for the competent authorities to finalise the CHED-N. The Commission recalled that the use of the CHED-N is not mandatory as, in accordance with Article 45(4) OCR, it is for the Member States to decide whether to request the notification of arrival. However, in case the notification of arrival is requested by the Member States, the use of IMSOC for the notification of arrival will be mandatory. There is no deadline foreseen to record the outcome of official controls in the CHED-N, but according to</p>
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			<p>the OCR the competent authorities should act diligently. As next steps, the Commission requested Member States which require notification of arrival for the categories of goods in the scope of the draft Delegated Regulation to send swiftly written contributions to the Commission explaining the reasons underpinning those measures. It is expected that the ISC is finalised in November 2023 and the outcome will be discussed with Member States in the next OCR meeting.</p>
2	11:00-11:30	Exchange of views on fees for enforcement action	<p>The Commission presented the answers on the discussion paper on the collection of fees for enforcement actions. Fifteen Member States provided feedback, by sharing information on their national systems of financing official controls in different areas under the OCR. The degree to which the competent authorities charge operators with fees for the enforcement actions and measures taken, varies among Member States. All respondents agreed that the costs of additional controls performed after the establishment of non-compliances, must be borne by the operators. Methods of costing and examples of enforcement actions were briefly presented according to the input of Members States. The financial impact on the operators, the cost categories that can be charged, and the diverging practices between authorities with different competencies, were the main concerns expressed by Member States. The Commission agreed that the establishment of a non compliance is a prerequisite for the operator to be charged with the cost of enforcement actions under OCR. In other cases, costs of actions may be imposed on operators by virtue of national law. Competent authorities should refer to Art. 81 and 82 of the OCR to calculate the costs of official controls of Art. 79 (2)(c). Calculation of costs of measures of different categories should be carried out under OCR principles. Finally, the Commission reminded the provisions of Art. 85 of the OCR on the transparency on fees and charges, the obligation to use the breakdown cost categories of Art. 81 of the OCR, and the correlation between enforcement actions and operators' past record.</p>
3	11:30-12:15	Official controls on e-commerce: discussion on possible next steps	<p>The Commission (DG CNECT) presented the Digital Services Act that lays down a new legal framework for digital services providers. The Commission (DG SANTE) presented a summary of recurring topics regarding e-commerce controls based on feedback by the Member States. The possibility to form a sub-group of this Working Group to address issues</p>

			specific to e-commerce was discussed.
4	12:15– 12:30	Updates on ongoing work on implementation of the OCR	The Commission reiterated its suggestion from the previous meeting for a simplified procedure to present information that falls under the notification requirement in Article 139 OCR (national rules on penalties) by providing links to national websites.