



# **Official Controls Regulation (OCR) (EU) 2017/625**

**Feed and food of non-animal origin  
subject to temporary controls at BCPs**

**Ad-hoc meeting of the Advisory group on the food chain and  
animal and plant health**

**11/10/2018**

**DG SANTE - Unit D2  
Multilateral international relations**

*Any views expressed in this document are the preliminary views of the Commission services  
and may not in any circumstances be regarded as stating an official position of the Commission.*

# 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)

# Draft Implementing Regulation on temporary measures governing the import of certain feed and food of non-animal origin from certain third countries

## Legal basis

### **Article 47(2) (b) OCR**

List of goods subject to temporary increase of controls at entry into the Union

### **Article 53 (1) (b) Regulation 178/2002**

Emergency measures (special import conditions) for certain feed and food of non-animal origin from certain third countries

### **Article 54 (4) (a) and (b) OCR**

Rules on the frequency of identity and physical checks for such feed and food



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# **Draft Implementing Regulation on temporary measures governing the import of certain feed and food of non-animal origin from certain third countries**

## **Objectives**

### **Consolidation**

- Regulation 669/2009 + Emergency measures

### **Simplification**

- Frequency of checks
- Common rules and single model of health certificate
- Reporting of MS through IMSOC

**Continued relevance:** biannual review

## Section 1: Common provisions

- Scope – exclusion of consignments of non-commercial nature
- Review of Annexes at least biannually
- Frequency of checks
  - 100% documentary checks (Article 54 (1) OCR)
  - Identity and physical checks - rules laid down in this IA pursuant to Article 54 (4) (a) and (b) OCR
- Rules concerning sampling and analysis

## **Section 2 : list of goods subject to a temporary increase of controls + CN CODES (Article 47 (2) (b) OCR)**

Based on current rules laid down in Commission Regulation 669/2009 with certain new requirements

### **Scope:**

- goods listed in Annex I (goods other than feed and food of non-animal origin could be listed)
- only feed and food of non-animal origin intended for import (exclusion of FNAO in transit)

## **Section 3 – special conditions governing the import of certain FNOA from certain TCs (Article 53 (1) (b) GFL) – Emergency measures**

Based on current rules laid down in Regulations (EC) No 884/2014 , (EC) No 885/2014 , (EC) No 2015/175 and (EC) No 2017/186

- Consignments must be accompanied by results of analysis and health certificates issued by the third country
- Possibility for the third country to issue health certificate in IMSOC or another electronic system



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## Legal framework for FNAO subject to checks at BCPs (1)

### Prior notification



**by completing and submitting CHED in IMSOC prior to physical arrival (Art. 56 OCR)**

Language of the CHED – rules in IA pursuant to Article 58 (a) OCR based on existing rules

**Minimum time requirements in Implementing Act pursuant to Art. 58 (b) OCR:**

- "one working day"
- flexibility: 4 hours in case of "logistical constraints"

### Onward transportation



**cases and conditions in Delegated Act pursuant to Article 51 (1) (a) OCR**

### Identity and physical checks at control points other than border control posts



**cases and conditions in Delegated Act pursuant to Article 53 (1) (a) OCR**



## Legal framework for FNAO subject to checks at BCPs (2)

### **Transhipped consignments => timelimits and arrangements for checks**

(entering by sea or air transport, moved from a vessel or aircraft and transported to another vessel or aircraft in the same port or airport in preparation of onward travel)

### **rules in Delegated Act pursuant to Article 51 (b) and (c) OCR**

- Checks at the BCP of final destination, but:
- Documentary checks may be performed at BCP of transshipment on a risk basis where the transshipment period is longer than 90 days

### **Consignments in transit**

**FNOA in transit will not subject to mandatory checks at BCP**



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## Legal framework for FNAO subject to checks at BCPs (4)

**Details of  
documentary, identity  
and physical checks**



**in Implementing Act pursuant to Article 52 OCR  
based on requirements in current legislation**

**Documentary checks**



**100% (Article 54 (1) OCR)**

**Frequency of identity  
and physical checks**



**rules laid down in Implementing Act pursuant to Article 54  
(4) (a) and (b) OCR**



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## Legal framework for FNAO subject to checks at BCPs (5)

**Cases where CHED must accompany the consignment to the place of final destination**



**a copy of the CHED (in paper or electronic format) => Delegated Act pursuant to Article 50 (4) OCR**

**Release for free circulation**



**Article 57 (2) OCR => customs shall only allow the release for free circulation upon presentation of a duly finalised CHED**



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## Legal framework for FNAO subject to checks at BCPs (6)

**Splitting of consignments**

➔ **Article 50 (3) OCR=> splitting is allowed only after finalisation of the CHED**

**If the consignment is split, the CA at BCP must issue an authenticated paper or electronic copies of official certificates and of the CHED (Article 50 (2) OCR)**

**Measures in case of Non-compliance**

➔ **Article 66 OCR**  
**-destruction**  
**-re-dispatch**  
**- Special treatment**



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# See SANTE website for more information:

The screenshot shows the European Commission website page for 'Official controls and enforcement' under the 'FOOD' category. The page includes a navigation menu with 'HEALTH', 'FOOD', 'ANIMALS', 'PLANTS', and 'AMR'. The main content area is titled 'Official controls and enforcement' and contains the following text:

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 plants and animal production, to food manufacturing and supply; including activities that take place at the farm level, but also processing and distribution to the consumer. Agri-food chain rules therefore cover 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.

The page also features a sidebar with 'OFFICIAL CONTROLS AND ENFORCEMENT' and 'ALL TOPICS' sections, and a right-hand column with 'RELATED LINKS', 'RELATED DOCUMENTS', and 'QUICK LINKS'.

[http://ec.europa.eu/food/safety/official\\_controls\\_en](http://ec.europa.eu/food/safety/official_controls_en)



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### PAGE CONTENTS

**Give feedback on Commission initiatives**

Initial ideas – Roadmaps and inception impact assessments

Gathering evidence – Public consultations

Legislative proposals – Providing input before the law becomes final

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As part of its [better regulation agenda](#), the Commission is listening more closely to the views of citizens and stakeholders. The aim is to make evidence-based proposals of EU policies and laws that address their needs. In this space you can share your views on Commission initiatives at key stages of the policy and [law-making cycle](#).

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<https://ec.europa.eu/info/law/better-regulation/have-your-say>



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***THANK YOU!***