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Committee on Sanitary and Phytosanitary Measures

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NEW OFFICIAL CONTROLS REGULATION OF THE EUROPEAN UNION

COMMUNICATION FROM THE EUROPEAN UNION

The following communication, received on 12 June 2017, is being circulated at the request of the Delegation of the European Union.

1 THE REGULATION

1.1. Regulation (EU) No 2017/625 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products ("Official Controls Regulation") was adopted on 15 March 2017 and entered into force on 27 April 2017. It replaces Regulation (EC) No 882/2004 on official controls and other pieces of legislation that currently governs the enforcement of rules along the agri-food chain. With some exemptions, the rules of the Official Controls Regulation will apply from 14 December 2019.

1.2. The European Commission presented a proposal for a Regulation on official controls in May 2013 as part of the so called "Smarter rules for safer food" package aiming to strengthen the enforcement of health and food safety standards for the whole agri-food chain. The Commission proposal was notified under the WTO SPS agreement as G/SPS/N/EU/43 on 16 May 2013. The final Regulation was notified as G/SPS/N/EU/43/Add.2 on 25 April 2017.

1.3. Compared to Regulation (EC) 882/2004, the scope of the Official Controls Regulation has been extended and will also cover official controls to verify compliance with plant health and animal by-products rules. The Regulation also applies to other official activities, e.g. activities aiming to verify the presence of animal diseases or plant pests, or prevent or eradicate those diseases or pests.

1.4. The risk based approach to controls is maintained. When planning their controls, the competent authorities also need to take into account the likelihood that consumers might be misled about the properties, quality, composition or country of provenance of the food they buy.

1.5. Official controls are to be carried out on all operators at all stages of production, processing, distribution and use of animals, goods, substances, materials or objects that are governed by agri-food chain rules. In order to maximise the efficiency of controls, the Regulation requires competent authorities to set up and keep an up-to-date register of operators subject to official controls.

1.6. New provisions enhance transparency and increase competent authorities' accountability to consumers and operators. For example, competent authorities will be required to publish, at least once a year, relevant information about the organization and performance of official controls. Furthermore, they must ensure a regular and timely publication of the outcome of official controls.

1.7. The Official Controls Regulation establishes an integrated approach to import controls. Common rules will apply to controls carried out at borders on animals, products of animal origin, plants and other products and goods that must be checked before they enter the EU.

1.8. Border Control Posts (BCPs) will replace the Border Inspection Posts (BIPs) and Designated Points of Entry (DPEs). Minimum requirements for facilities, equipment and staff qualifications will apply for all BCPs. Depending on the risks they pose to human health, animal health and welfare and plant health, certain consignments must be presented at the BCP where they all will undergo documentary checks. Identity and physical checks will be carried out at a frequency depending on the risk linked to the specific animals or goods. The criteria to determine and modify the frequency rates for these checks will be established by acts of the Commission. Additional conditions for entry into the Union, such as the listing of countries and establishments authorised to send animals and goods to the EU, may also be laid down by the Commission.

1.9. A single standard document, the Common Health Entry Document (CHED), will be used by operators for the prior notification of consignments. It will be transmitted to the BCP through a new integrated computerised system for official controls (Integrated Management System for Official Controls - IMSOC).

1.10. The new Regulation introduces a set of general rules in order to create a uniform and harmonised framework for official certification in all areas covered by the scope of the Regulation. These rules also apply to certification for exports to Third Countries.

1.11. The Commission is empowered to adopt a number of measures where there is evidence that the system of controls in a member State faces serious disruption to the point that it constitutes a widespread risk to the agri-food chain, and the member State has not addressed the shortcomings within a time limit set by the Commission. These would include for example the prohibition to place on the market animals or goods affected by the disruption, their transport, and the suspension of official controls at the BCP affected by the serious disruption.

2 FURTHER STEPS

2.1. The Official Controls Regulation will be complemented by a number of regulatory acts establishing implementing measures. As it is customary, any measure potentially affecting international trade will be notified to the WTO SPS Committee.

2.2. More information about the new Official Controls Regulation is available on the European Commission website: http://ec.europa.eu/food/safety/official_controls/legislation_en.
