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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 11 March 2019, is being circulated at the request of the Delegation of the European Union.

1 THE FRAMEWORK REGULATION

1.1. Regulation (EU) 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 govern the enforcement of EU 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 17 May 2013. The final Regulation was notified as G/SPS/N/EU/43/Add.2 on 26 April 2017.

1.3. Regulation (EU) 2017/625 was built upon previous rules with no changes in the basic principles. The aim of the regulation is to simplify and clarify the legislative context to cover the whole agri-food chain. Therefore, compared to Regulation (EC) 882/2004, the scope of the Official Controls Regulation has been extended and also covers plant health, animal by-products and plant protection products rules.

1.4. The risk-based approach to controls is maintained. The regulation provides that 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.

1.5. The 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 European Union.

1.6. Border Control Posts (BCPs) will replace the existing Border Inspection Posts (BIPs) and Designated Points of Entry (DPEs) and a set of minimum requirements will apply for all of them. 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 in regulatory acts. Additional conditions for entry into the Union, such as the listing of countries and establishments authorised to send animals and goods to the European Union, may also be laid down by regulatory acts.

1.7. 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).

1.8. 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.

2 REGULATORY ACTS

2.1. The European Commission will adopt a number of regulatory measures throughout 2019, mainly related to import controls, in order to ensure the continuity of trade. These acts will, in most cases, apply as from 14 December 2019.

2.2. A regulatory act has already been adopted on additional categories of goods to be checked (notified as G/SPS/N/EU/281). As regards meat inspection practices and the role of the veterinarian in meat inspections, the relevant acts are expected to be adopted by the middle of 2019.

2.3. As for border controls, several acts will be adopted during the first half of 2019, including:

- transit, transshipment and onward transportation;
- frequency of identity and physical checks at borders;
- derogations from BCP controls, for instance as regards personal luggage;
- specific border controls, for instance on wood packaging material;
- official controls performed at control points other than BCPs;
- intensified controls, upon suspicion of fraudulent or deceptive practices or serious or repeated infringements with respect to certain goods entering the European Union;
- the IMSOC which will collect data at the Union level and function as a basis for possible actions to be taken.

2.4. In addition to the above, rules on certain import conditions relating to public health requirements are also expected to be adopted during the first half of 2019.

2.5. During the drafting of these regulatory acts, the European Commission, in accordance with good regulatory principles, is duly consulting experts, EU member States and stakeholders. Any measure affecting international trade will be notified to the WTO SPS Committee.

2.6. 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.
