

Brussels, 15 March 2017

European Parliament adopts Official Controls Regulation

Background

Following a trilogue agreement with the Council and the European Commission, the European Parliament today adopted its second-reading position to update and modernise the operating principals of the official controls throughout the whole food chain.

The aim of the new Official Controls Regulation is to make sure that food business operators are controlled according to harmonised principles and with equal effectiveness in all Member States.

The Official Controls Regulation is the last part of the so called "Review Package" - published by the European Commission in 2013 - to be adopted. Next to the Official Controls Regulation the package also included proposals on

- animal health law,
- plant health law and
- management of expenditure relating to the food chain

All of which have already been adopted.

A fifth proposal on plant reproductive material was withdrawn by the Commission after the European Parliament rejected it. **Today's vote completes the adoption procedure of the Official Controls Regulation.**

Milestones

06 May 2013	Commission publishes its Proposal
15 April 2014	Parliament adopts its first reading position
15 June 2016	Parliament and Council reach an early second reading political agreement
19 December 2016	Council adopts its position
31 January 2017	Committee on Environment, Public Health and Food Safety (ENVI) tabled a recommendation for second reading
15 March 2017	Parliament's second-reading vote to formally endorse the position of the Council

When will the new rules apply?

The new Official Controls Regulation will enter into force 20 days after its publication in the Official Journal of the EU. The rules will be gradually phased in to give EU countries and industry the time to adapt. The following provides a summary of the different application dates:

- **Entry into force + 1 year:**
For rules concerning the designation of European Reference Laboratories (EURLs) and the EU Reference Centres for animal welfare.
- **Entry into application on 14 December 2019:**
The application date relates to the majority of the Official Controls Regulation rules and will include for example
 - the scope
 - definitions
 - rules for competent authorities
 - financing of official controls
 - administrative assistance
 - sampling and analysis and
 - enforcement actions of the competent authorities
- **Entry into force + 6 maximum years:**
This application date relates to certain rules for
 - import controls,
 - residues of substances in food and feed and
 - animal welfare
- The new Official Controls Regulation will moreover be amended and supplemented with further more specific rules.
- The Commission will be empowered to adopt **delegated or implementing acts** to complement and specify requirements, such as on minimum frequencies of controls.

Delegated and Implementing Acts

As previously indicated, the Commission was entitled to adopt - over the course of the next at least 6 years - a significant number of delegated and implementing acts in order to lay down detailed rules in the framework of specific aspects concerning the Official Controls.

The Commission has during previous meetings on this topic expressed its plans to **extensively consult with stakeholders when drafting the delegated and implementing acts**. ECSLA therefore expects these consultations to begin once the new Regulation has been officially published. We further expect this to be an ongoing process over the course of the next years and are looking forward to contribute to this process with practical input from the temperature controlled logistics sector.

What do the new rules change?

The new rules **extend the scope** of the previous Regulation to cover plant health and animal by-product rules. The Regulation provides **more specific rules** for several areas already covered, e.g. animal health and animal welfare. It also allows the Commission to **adjust control requirements** to the specific enforcement needs of each sector. One important example is the establishment of **minimum control frequencies** where the risks warrant it.

Operators at all stages of production, processing and distribution that handle animals, plants, food, feed, goods, substances, materials or equipment **are governed by the new rules**.

Controls will be performed **without prior notice**, unless this is necessary. With this risk-based approach the **frequency of controls will be linked to risks** that a product or process presents with

respect to fraud, health, safety, animal welfare or in certain cases the environment. Other factors included in the assessment of the risk are, for example, the **operator's past record of compliance** or the likelihood that consumers are misled about the properties, quality, composition or country of provenance of the food.

Such targeted controls will free up resources to focus on areas where enforcement needs to be prioritised.

The new rules also require increased transparency and **greater accountability from Member State authorities**, who are also obliged to publish annual reports:

- Transparent rules for the **calculation of fees for official controls** will ensure that Member States can safeguard proper financing of their services, and operators can avoid being overcharged

Border Controls

A common set of rules will apply to border controls carried out on animals, products of animal origin, plants and which need to be channeled through **Border Control Posts (BCPs)**.

Risk adjusted frequency of controls, linked to a **modernised computerised system for the management of data and information** on controls will channel resources to the risks. This new system is supposed to be less burdensome for enforcement authorities and industry.

BCPs will have to comply with common requirements to ensure efficient and effective official controls. A **Common Health Entry Document (CHED)** will be introduced for consignments from third countries.

Enhanced cooperation between Member States

The new Regulation clarifies and strengthens rules on the cooperation and administrative assistance between EU countries **to ensure cross-border enforcement of agri-food chain rules**. Member States are obliged to facilitate the exchange of information between Competent Authorities and other enforcement authorities such as public prosecutors on possible cases of non-compliance.

In addition, an **Integrated Management System for Official Controls (IMSOC)** will integrate all existing (and future) computer systems, e.g. TRACES, RASFF and Europhyt to ensure optimal use of data, reduce burdens on businesses and national enforcers and accelerate the exchange of information between Member States.

Next Steps

We will forward to you the new Regulation once it is published in the Official Journal of the EU. In the meantime, please refer to this link to the Council Position from 19 December 2016:

<http://data.consilium.europa.eu/doc/document/ST-10755-2016-REV-1/en/pdf>