



### Enforcement of rules along the agri-food chain in the EU

Brussels, 15 March 2017

#### Q&A on the new Official Controls Regulation

After successful negotiations between the European Parliament and the Member States in the Council, the new Official Controls Regulation adopted today will enhance and reinforce the EU system as an international reference for integrated rules covering the entire agri-food chain.

Harmonised EU rules have been established to prevent, eliminate or reduce the level of risk to humans, animals and plants, along the agri-food chain. Official controls, undertaken by competent authorities in each Member State, serve to check whether these rules are correctly implemented.

The new rules overhaul the current system. They will provide a single framework for all official controls along the agri-food chain. Businesses and authorities will benefit from reduced administrative burdens, more efficient processes and strengthened controls. Consumers will benefit from more transparency on how controls are carried out to ensure food safety and high standards for plant health, animal health and welfare and to prevent fraud.

#### 1) What are official controls and why do we need them?

Official controls consist in checks performed by EU countries to verify that businesses comply with agri-food chain rules. These rules cover the safety and quality of food and feed, plant health, animal health and welfare. They also apply to agri-food chain products entering the EU from third countries.

The previous Regulation, adopted in 2004, initiated the integration of rules on official controls. The new Official Controls Regulation (OCR), proposed by the Commission in 2013, takes it further in providing comprehensive risk-based control rules along the agri-food chain. This will allow national authorities to put their resources where they are most needed. Rigid, inflexible rules are revoked and a more integrated IT system will allow control authorities a more modern approach to tracking trade practices.

#### 2) What do the new rules change?

The new rules extend the scope of the previous Regulation, in particular, 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.

#### 3) Will official controls cover agri-food chain products from third countries?

Yes. A common set of rules will apply to border controls carried out on animals, products of animal origin, plants and other products and goods which pose a risk to health, safety, animal welfare or in certain cases the environment, and which need to be channelled 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 will therefore 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.

#### **4) Will products purchased online ('e-commerce') also be covered by the new rules?**

Yes. Food law applies to food sold via the internet. Consequently, e-commerce must be part of official controls.

The new Regulation confirms that Member States can, for control purposes, order products online without identifying themselves (i.e. mystery shopping) and use the products purchased as official samples. Non-compliance can result in penalties regardless of the location of the operator.

#### **5) Will the new rules tackle food fraud?**

Yes. Fraud undermines consumers' trust, harms competition and may compromise food and feed safety. Hence, the new rules require Member States to carry out regular, unannounced risk-based official controls to detect fraudulent or deceptive practices. This includes checking compliance against marketing standards for agricultural products. Financial penalties for fraud will need to reflect the expected economic gain or a percentage of the turnover made by the fraudulent operator.

In addition, EU Reference centres for the authenticity and integrity of the agri-food chain may be established. They would provide EU countries with up-to-date, reliable technical data and research findings to assist with the effective performance of their control tasks.

#### **6) How do the new rules address animal welfare?**

The Regulation requires that EU Reference Centres for animal welfare are established which will assist EU countries in their official controls by carrying out scientific and technical studies, conducting training courses and disseminating research findings and information on technical innovations. The EU Reference Centres will also provide the scientific and technical expertise of methods to assess and improve the welfare of animals.

The Regulation applies to official controls on animal welfare rules, e.g. on transport, slaughter and farming, and allows the adoption of Commission legislation to adjust official control requirements to meet the specific needs of animal welfare such as the introduction of animal welfare indicators.

#### **7) Will cooperation and assistance between EU countries be enhanced?**

Yes. 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. This allows a swifter and more efficient pursuit of non-compliance across borders.

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.

#### **8) When will the new rules apply?**

The new Official Controls Regulation will enter into force 20 days after its publication. 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** – this application date relates to rules concerning the designation of European Reference Laboratories (EURLs) and the EU Reference Centres for animal welfare.
- **Entry into application on 14 December 2019** – this application date relates to the majority of the OCR rules and will include for example the scope, definitions, rules for competent authorities, financing of official controls, administrative assistance, sampling and analysis (with some exceptions for plant health), 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.

#### **For More Information**

[https://ec.europa.eu/food/safety/official\\_controls/review\\_en](https://ec.europa.eu/food/safety/official_controls/review_en)

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