

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

2013/0140(COD) - 15/03/2017 - Final act

PURPOSE: to modernise and improve the performance of official controls to ensure the uniform application of the agri-food chain rules across the EU.

LEGISLATIVE ACT: Regulation (EU) 2017/625 of the European Parliament and of the Council 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).

CONTENT: the Regulation replaces Regulation (EC) No 882/2004 on official controls by establishing a single set of rules applicable to official controls for almost all sectors of the agri-food chain.

The new rules aim to improve controls carried out by Member States to ensure compliance with Union legislation on food and feed safety, animal health and welfare, plant health and plant protection products

The Regulation also lays down rules for the deliberate release into the environment of Genetically Modified Organisms (GMOs) for the purpose of food and feed production.

In addition, the Regulation shall apply where **fraudulent or misleading practices** with respect to marketing standards are detected during the controls carried out.

The new Regulation provides in particular for:

- **Improved control system:** official controls regularly, on a **risk-basis** and with appropriate frequency, on all the sectors and in relation to all operators, activities, animals and goods governed by Union agri-food chain legislation. The authorities of the Member States may regularly carry out unannounced official inspections and impose dissuasive financial penalties on operators who commit intentional violations.
- **Role of the official veterinarian:** Member States shall have the discretion to identify the most appropriate staff to perform such controls. In certain cases, where their specific skills are necessary to ensure a sound outcome of the official controls, Member States shall be required to refer to official veterinarians, plant health officers or other specifically designated persons. Member States shall also use official veterinarians including for official controls on poultry and lagomorphs.
- **Third countries:** a set of common rules is provided for all control activities to be carried out at Union borders on animals and products from third countries requiring more attention to ensure health protection.
- **Financing:** competent authorities will collect fees or charges to cover the costs they incur when performing official controls. In order to promote compliance with Union legislation by all operators irrespective of the method (based on actual costs or on a flat rate) that each Member State has chosen for the calculation of the fees or charges, when fees or charges are calculated on the basis of overall costs incurred by the competent authorities over a given period of time, and imposed on all operators irrespective of whether they are subject to an official control during the reference period,

those fees or charges should be calculated so as to reward operators with a consistent good record of compliance with Union agri-food chain legislation.

- **Whistleblowers:** effective mechanisms shall be put in place to enable the reporting of actual or potential infringements of this Regulation, including appropriate protection for persons reporting an infringement against retaliation, discrimination or other types of unfair treatment.
- **Transparency:** competent authorities shall ensure a high level of transparency on the controls they carry out (type, number and outcome). They shall also be able to publish information on the **rating of individual operators** based on the outcome of the controls they have carried out.

Lastly, transitional measures have been introduced to ensure that a number of delegated acts and implementing acts essential for the proper application of the Regulation shall be adopted before the date of application of the Regulation.

ENTRY INTO FORCE: 27.4.2017.

APPLICATION: from 14.12.2019 (unless otherwise stated).

DELEGATED ACTS: the Commission is empowered to adopt delegated acts to amend this Regulation concerning the references to the European standards, as well as Annexes II and III to the Regulation to take into account of legislative and technical and scientific developments, and to supplement this Regulation with specific rules governing official controls.

The power to adopt such acts shall be conferred on the Commission for a period of five years (renewable) from 28 April 2017. The European Parliament or the Council shall have the right to object to a delegated act within a period of two months (extendable for two months) from the date of the notification of the act.