Department for Environment Food & Rural Affairs

Official Controls Regulation 2017/625 – Overview and main changes

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Scope of the OCR

- Food and food safety
- Feed and feed safety
- GMOs
- Animal health
- Animal welfare
- Animal by-products
- Plant health
- Plant protection products
- Organics
- PDOs, PGIs, TSGs

Overview of the OCR

General Principles Articles 1 – 15

Subject matter, scope & definitions, Competent Authorities general requirements

Sector Specific Requirements Articles 16 – 27

e.g. Products of animal origin, residues, animal welfare, plant health, GMOs, plant protection products, organic production, new risks

Art. 28–33 Delegation of tasks	**Art. 34–42 Sampling, analyses, tests + Diagnoses**	**Art. 43– 76 IMPORT CONTROLS**	**Art. 77-91 Financing OC + official certification**	**Art. 92-101 EURLs EURCs**	**Art. 102–108 Administrative Assistance + Cooperation**
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Common Provisions - Articles 142 – 167

Other official activities

The OCR applies to:

- **Official controls (OC)**
  - **Tasks performed to verify compliance with the agri-food chain rules**
- **Other official activities (OOA)**
  - **Tasks carried out with the purpose to eliminate, contain or reduce any hazard which may arise for human, animal or plant health, animal welfare and the environment**
  - **Specific rules in the OCR apply also to OOA**
  - **Examples of OOA**
    - **Epidemiological surveillance and monitoring**
    - **Eradication and containment of diseases or pests**
    - **Issuance of official certificates or attestations**

General rules

- Regular, unannounced risk-based controls to identify fraudulent or deceptive practices
- When planning controls to take account of:
  - operator's past record of compliance
  - the reliability of the operator's own checks
  - the likelihood of consumers being misled about nature, composition, etc. of food
- OC performed in a way that burden to operations is kept to minimum
- Financial penalties for fraudulent or deceptive practices would reflect the economic advantage or a percentage of the operator's turnover

General rules

- The OCR provides for CA to publish the outcome of OC regarding individual operators
  - Operators would be consulted first taking into account any comments made
- CA may publish information about the ratings of individual operators
- Increased transparency on calculation of fees and on breakdown of costs. Stakeholder consultation on method used to calculate fees
- Provisions for the protection of whistle blowers

Obligations of operators

- Provide details concerning name, legal form and specific activities they carry out
- Give access to computers, premises, documents, animals and goods under their control to the extent necessary to perform official controls or other official activities
- Assist and cooperate with the staff of the CA

Sampling, analyses, tests and diagnoses

- Rules on methods of sampling, analysis, tests and diagnoses apply to OC and OOA in all sectors covered by the OCR
- Operators' right to a second expert opinion at their own expense
- Provisions for official controls on animals and goods through distant communication
  - CA are not obliged to reveal their identity before they are in the possession of the samples.

Official laboratories (OL)

- OL may be designated in other Member States or third countries subject to certain conditions
- Participate to comparative or proficiency tests
- Make available to the public the methods used for analyses, tests or diagnoses and the results when requested by the CA
- OL to be regularly audited by CA
- Accreditation to EN ISO/IEC 17025
  - Temporary and permanent derogations

Import controls

- High risk animals and goods
  - Animals, POAO, germinal products, ABP, composite products, hay and straw, plants, plant products and other objects and certain feed and food of non-animal origin
  - Subject to controls at border control posts
  - 100% Doc checks, risk based identity and physical checks
  - Mandatory pre-notification requirement
  - Use of the Common Health Entry Document (CHED)

Import controls

- Low risk
  - Animals and goods which do not require systematic border controls
  - Controls performed at an appropriate place within the customs territory of the Union
  - Regular, risk based controls with appropriate frequency
    - Means of transport
    - Packaging (WPM)

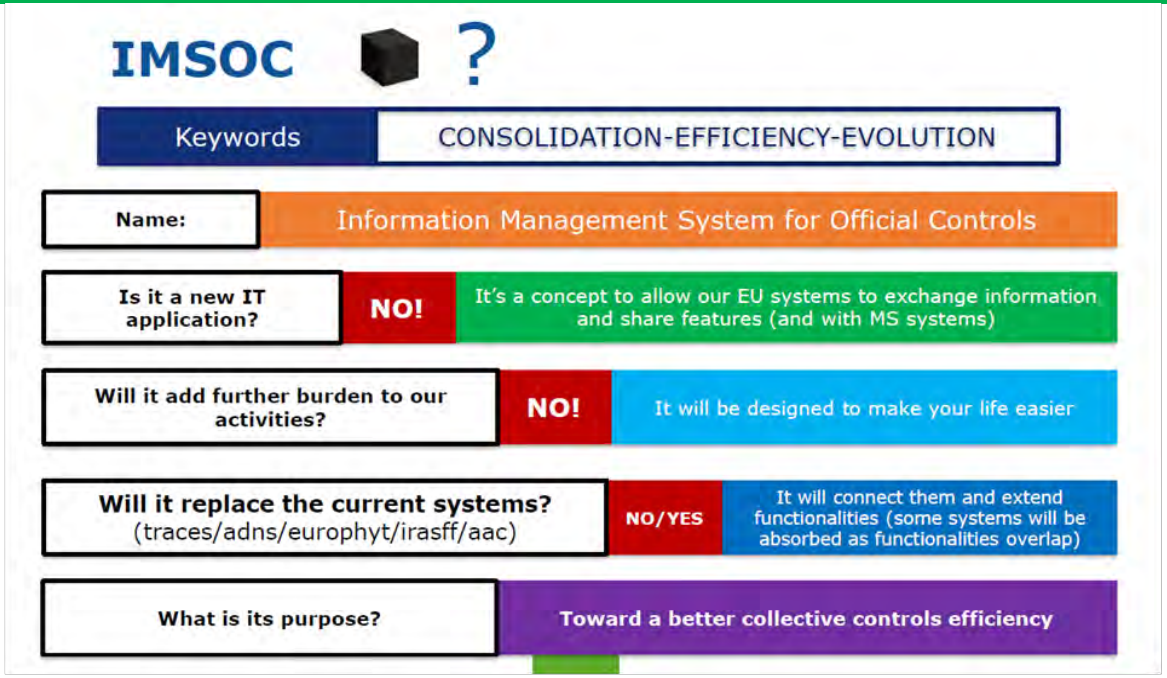
Import controls

- Physical checks performed on:
  - Plants, plant products and other objects by an official plant health officer
  - Animals (except aquatic animals), meat and edible meat offal by an official veterinarian (OV) assisted by trained staff
  - Aquatic animals, goods other than the above by OV or trained staff

Border Control Posts (BCPs)

- Designated facilities currently used for import controls, such as BIPs and DPEs will be replaced by BCPs
- They can be re-designated as BCP before the 14th December provided they meet the minimum requirements set out in the OCR and implementing regulation 2019/1014
- Additional conditions for animals, POAO, germinal products etc.

Information Management System for Official Controls (IMSOC)



New system from 14th December →

- TRACES Classic: exports, LMS, intra, DOCOMs
- TRACES-NT: imports
- Food and Feed Safety alerts (i-RASFF), AAC
- Animal Disease Information System (ADIS)
- EUROPHYT

IMSOC is an umbrella term to signify the electronic connection between the EU IT systems together to allow for better data exchange

CVED/CEDs → CHEDs

- TRACES-New Technology (NT) is a new system that will be used for imports from 14/12/19 and will host the Common Health Entry Documents (CHED). Developed for implementation of electronic-certification.
- A 'Common Health Entry Document' (CHED) will be used for all types of consignments entering the EU and subject to controls at BCPs
- There will be different CHEDs for different types of consignment – e.g. CHED-D for high-risk FNAO will replace Common Entry Document (CED)
- IMSOC indicates to officials when to perform full checks → Risk-based controls, guided by IMSOC's predictive analysis

2 CHED rule on TRACES-NT

- Non-compliant consignments can be split into two: one for rejected and one for accepted (2 CHEDs required from original CHED)
- Second CHED is needed for:
    - Onward transportation
    - Inland Control Points

Electronic certification on TRACES-NT for imports into the EU

Paperless flow of SPS documents- officials at BCPs can sign CHEDs electronically via e-signatures. (Some third Countries can sign EHCs electronically too). There are 2 ways to create an e-signature:

1. Advanced: Password and one time password generated by SMS code
2. Qualified: Password and one time password generated by token

- *To set up → EC Trust Provider (LuxTrust) will contact individuals to set up e-signatures*
- *Remember! There is always an option to wet sign paper CHEDs/EHCs*

E-signatures

CHED should meet all of the following requirements:

(i) it is signed with the electronic signature of the operator responsible for the consignment;

(ii) it is signed with the advanced or qualified electronic signature of the certifying officer at border control posts or control points;

(iii) it bears the advanced or qualified electronic seal of the issuing competent authority;

(iv) it is sealed by TRACES with an advanced or qualified electronic seal;

(v) each be timestamped with a qualified electronic time stamp

TRACES

- In principle, the OCR requires that from 14th December **TRACES-NT** must be used for all CHEDs

- **TRACES Classic** remains available for consultation purposes (+ INTRA, LMS, DOCOM, EXPORT)
  - No new CVEDs can be started (or replaced/modified)
  - New / In Progress CVEDs will change automatically to **Cancelled** status and must be re-done in TRACES.NT. For such cases, the Cancelled CVED can be consulted as reference
  - Control (Part III) can still be added to a CVED in a final status (arrival of goods, destruction…)