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Official Control Regulation (EU) 2017/625 of the European Parliament and the Council (OCR) - New elements and timelines



DG SANTE (Directorate General Health & Food Safety)

Unit G3 – DG Unit G3 Official controls and eradication of diseases in animals

Georg Schreiber

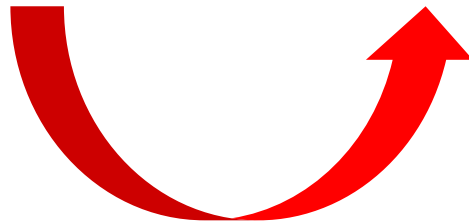


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Entry into force and application

**Entry into
force:
29 April
2017**

**Main date of
application:
14 December 2019**





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Scope of the OCR (Art. 1.2)

Food and
food
safety

Feed and
feed
safety

GMOs

Animal
health

Animal
welfare

Animal
by-
products

Plant
health

Plant
protection
products

Organic
production

PDOs,
PGIs,
TSGs



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Structure of Regulation 2017/625 (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

Art. 109-115

Planning +
Reporting

Art. 116–124

Commission
Controls

Art. 125–129

Conditions for
entry into the
EU

Art. 130

Training
(BTSF)

Art. 131–136

IMSOC

**Art. 137–
141**

Enforcement

Common Provisions - **Articles 142 – 167**



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The risk based approach (Art. 9)

Controls to be performed "regularly,
on a risk basis and with appropriate frequency"

Own controls,
including private
quality schemes

Risks associated
with animals and
goods, activities,
location...and the
likelihood that
consumers might
be misled

Operator's past
record

New emphasis!



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Food fraud

A new key element: Likelihood of food fraud must be taken into account when deciding the appropriate frequency of controls, including on imports

ADVANTAGE?

Protection against unfair trade and unsafe products, including on-line sales



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Marketing standards and the OCR



Use and labelling of
PDO's, PGI's and
TSG's



Regulation
1308/2013/EU on a
COM in agricultural
products

Unless
possible fraud
is identified!



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New emphasis!

Marketing
standards

Fight of fraud

Likelihood of
consumers being
misled

- **Properties**
- **Quality**
- **Composition**
- **Origin**

Whistle-blowers

Authenticity
and integrity
of the
agri-food chain

Reference centres

- **Knowledge and
research**
- **Methods for detection**
- **Identify vulnerable
segments**

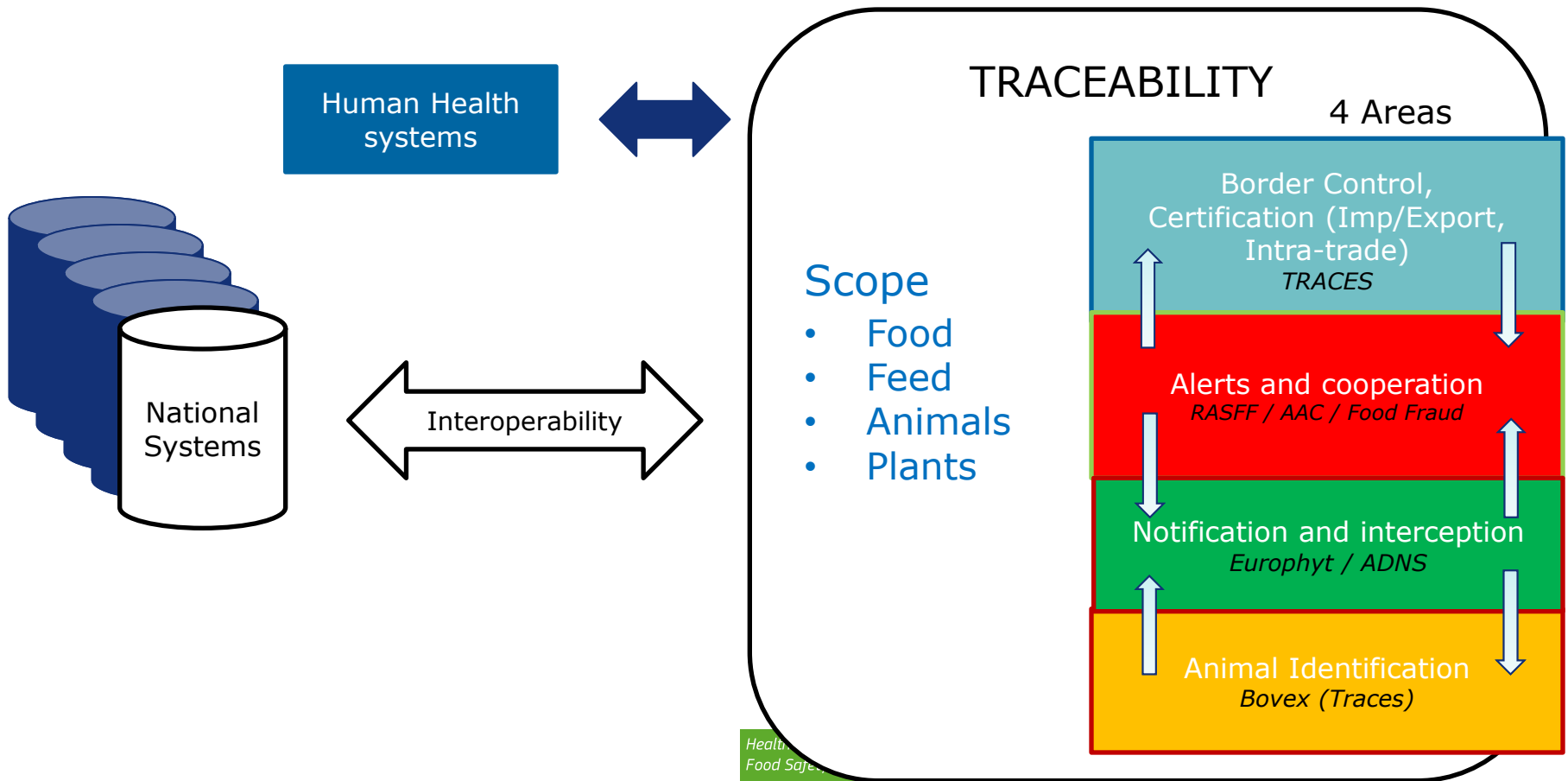
Financial penalties to reflect
advantage or turnover

Exchange of information
(IMSOC, AAC etc)



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2018-2020: Information Management System for Official Controls (IMSOC)





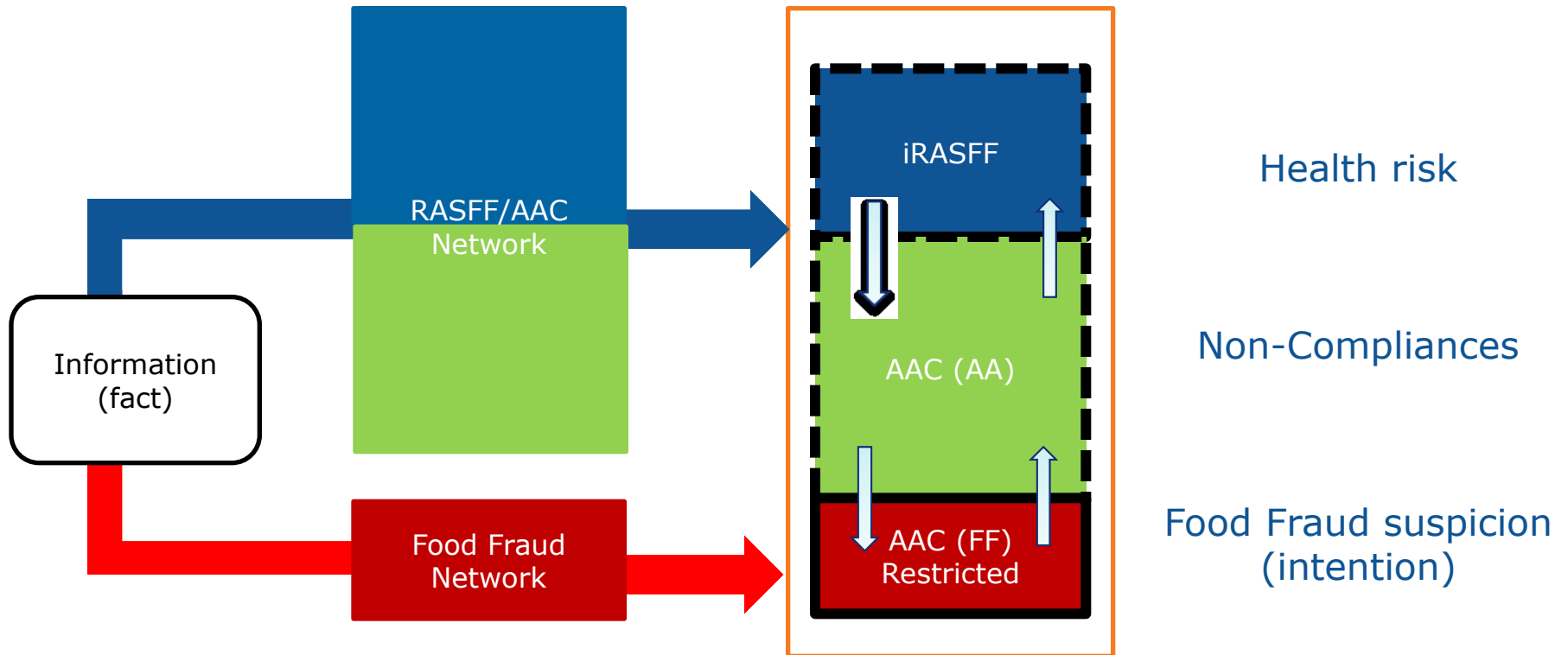
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RASFF/AAC FUTURE FLOW

2 Networks

1 Platform (3 modules)

Context



Users see cases according to the context



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Obligations for the operators (Art. 15)

Provide information on their name, legal form and specific activities

Give access to computers and premises, to the extent necessary

Assist and cooperate with the staff of the competent authorities



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Obligations for the authorities

Ensure the effectiveness, impartiality and quality of official controls and other official activities (Art. 5)

Perform official controls in accordance with documented procedures; draw up written records of every control (Art. 13)

New!



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Minimum disruption of business

Official controls shall be carried out in a manner that the administrative burden and operational disruption for operators are kept to the minimum necessary (Art. 9)

Any inaccurate information made available to the public should be appropriately rectified (Art. 11)



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No empowerments!

Financing

⇒ Adequate resources for all types of controls!

Mandatory fees:

- Slaughterhouses
- Cutting plants
- Milk products
- Fishery products



Fees in Annex



- BCPs**
Animals, POAO, ABP, germ. prod, Plants/plant products



Flat rate/Actual costs

- Temporary increased import controls, emergency measures, import conditions, approval of feed premises, official controls not originally planned



Actual costs

- Cost elements:**
- Staff salary
 - Facilities + equipment
 - Consumables
 - Services of delegated bodies
 - Staff training
 - Travel
 - Sampling/testing

TRANSPARENCY

Make publicly available information on:

method and data used to establish fees, and the amount charged to each category of operators/official control, etc.

Stakeholders to be consulted on the general methods of calculation of fees



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Possible flexibility on mandatory fees

Mandatory fees may be reduced by Member States for businesses...

...with a low
throughput

...using
traditional
methods of
production

...located in
regions
subject to
specific
geographical
constraints

...with a
good record
of
compliance



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Increased transparency

Yearly
publication of
outcomes of
official
controls
(Art. 11)

Competent
authorities
may set up
rating
system and
publish
outcome
(Art. 11)

Member
States have
to ensure
adequate
protection of
whistle-
blowers
(Art. 140)

Part of audits
of the
Commission
(Art. 116)

New!



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Official Control of e-commerce

Article 36 on online sampling

In the case of animals and goods offered for sale by means of distance communication, samples ordered from operators by the competent authorities without identifying themselves may be used for the purposes of an official control.

Article 138 (2) on measures

Where the non-compliance is established, the competent authorities shall:

- (i) order the cessation for an appropriate period of time of all or part of the activities of the concerned operator and, where relevant, of the Internet sites it operates or employs;



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SANTEs' e-commerce actions

Agreements with e-platforms and e-marketplaces (eBay, Amazon and Alibaba-group) to establish single contact points for Food Control Authorities of EU-28;

Purpose: enable the platforms to withdraw rapidly (Art. 14 of e-commerce Directive) the non-compliant offers which might endanger the health of consumers or mislead them.

Agreements with payment service providers (PayPal, Mastercard etc) to cooperate with Food Control Authorities of EU-28.

Purpose: to get the contact details of website owners who cannot be identified via the contact details of the website if they offer a non-compliant product.



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SANTEs' e-commerce actions (cont.)

Agreements with third countries on mutual administrative assistance and cooperation

Purpose: Increased cross border cooperation between food control authorities to respond effectively to challenges of the online world

Commission Recommendation on a coordinated control plan on the official control of certain foods marketed through the Internet (C(2017)4986 final)

Purpose: MS search for food supplements with medicinal claims and certain non-authorized novel foods

Basic act



Future system for border controls

A common, risk based framework for border controls on all animals and goods entering the EU

Border Control Posts (BCPs) will replace the different Border Inspection Posts (BIPs) and Designated Points of Entry (DPEs)

Minimum requirements for facilities, equipment and staff will apply throughout all BCPs

A single standard document (CHED) for the prior notification of consignments

Transmitted to the BCP through IMSOC (including Europhyt)



Import – channeling rules (risk based)

High risk

Animals, products of animal origin, germinal products, animal by-products, plant, plant products and certain feed and food of non-animal origin =

Designated BCP of first arrival

Always documentary checks; risk based identity and physical checks

Low risk

Animals and goods whose inherent risks do not require systematic border controls =

An appropriate place within the customs territory of the Union

Regular, risk based controls with appropriate frequency (established by MS)

New IT system. Same set of measures in cases of non-compliance, including enforcement measures



Import projects leading to legislation

CN code list of animals and goods to be checked at BCPs (IA, Art 47.2)

Categories to be added to the list (DA, Art. 47.3)

Non-compliance action (IA, Art. 65.6, 66.2 and 70)



Border control procedures (DA, Art. 48, 50.4 etc)

Border control procedures (IA, Art. 15.4, 49.4 etc)

Border Control Posts (DA, Art. 62.3, 64.2 and 64.5)

Training (DA, Art. 49.5)



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Objective of the import projects

Provide businesses with a coherent set of rules, including derogations from mandatory border controls and establishing additional control rules for certain consignments



Safer Europe for humans, animals and plants



Fairer trade for companies and consumers



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Next steps

(Main target date: 14/12/2019)



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Implementation of the OCR

EMPOWERMENTS are given to the Commission to ensure the implementation of the Regulation through...



Implemented Acts (IA): HOW?

(Uniform conditions for implementation)



Delegated Acts (DA): WHAT?

(Supplement or amend non-essential elements)



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Consultation

Member States
expert group for
Official controls (E00911) +
sectorial expert groups

Stakeholders:
DG SANTE advisory group of
the food chain

Specific groups (e.g. animal
welfare, food hygiene)

+ Subgroups e.g. for
plants, animals,
import, fraud, e-
commerce and
EURLs/NRLs

28 Chief
Plant
Health
Officers

28 Chief
Veterinary
Officers

28 Food
Safety
Agencies



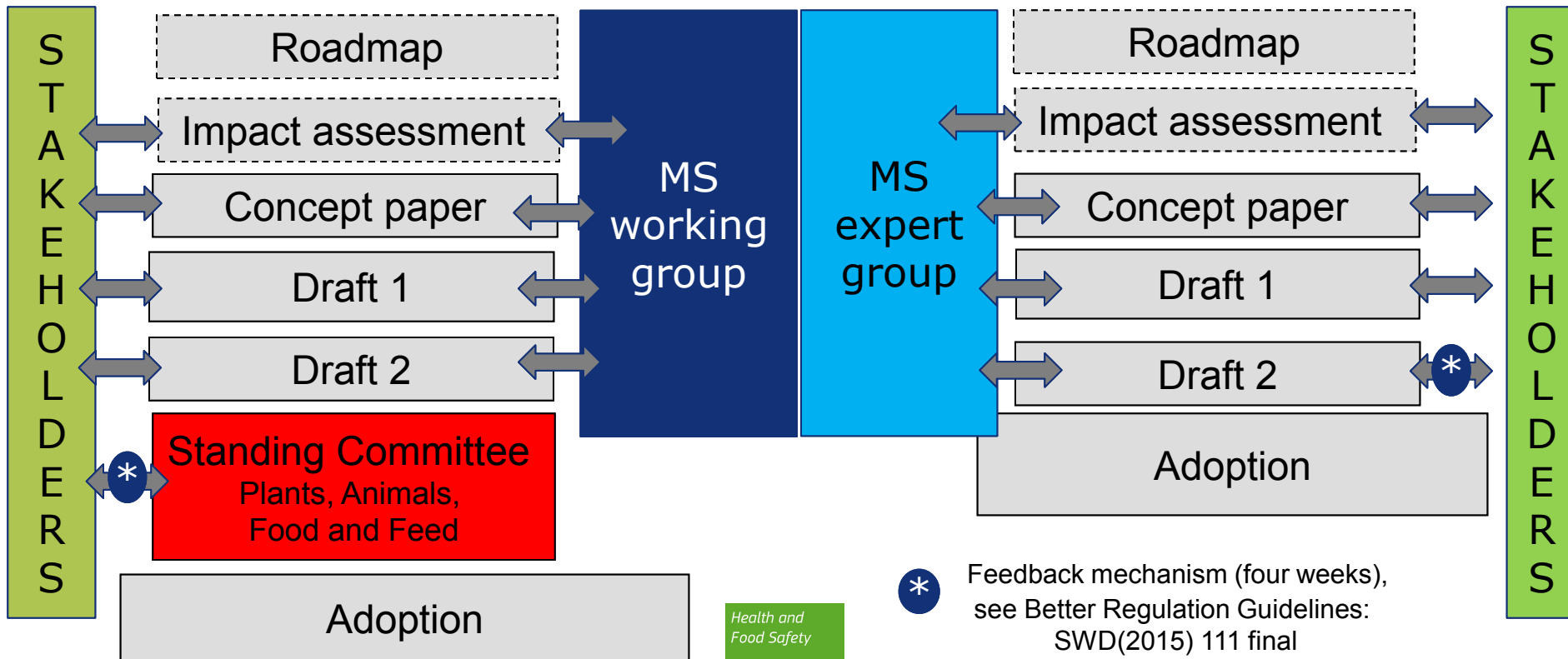


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Standard decision making process

Implementing Act (IA)

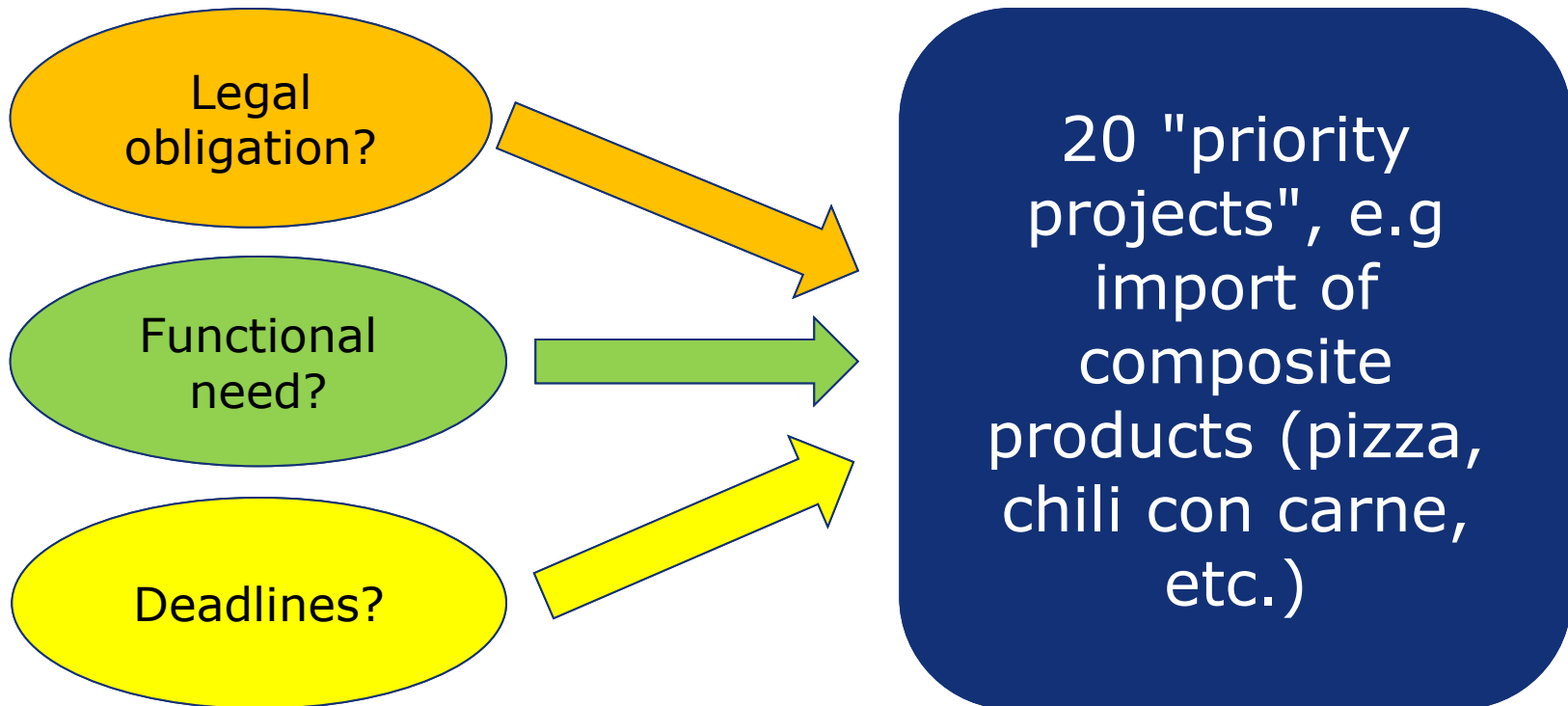
Delegated Act (DA)





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Some criteria for prioritisation (85 empowerments)





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Priority projects

2017

2018

2019

2020

EU Ref. Centre Animal Welfare

preparation
ongoing

EU Ref. Lab. for Plant Health

Meat inspection (DA + IA, Art. 18.7, 18.8)

preliminary ideas
discussed in June 2017

Entry into the EU projects

preliminary ideas:
Autumn 2017

Technical preparation ongoing

IMSOC (IA, Art. 103.6, 134)

Import conditions (DA, Art. 126, list of countries, establishments, old 854/2004)

preliminary ideas
discussed in June 2017

Residues in Food (IA, Art.19)

preliminary ideas:
May 2017

MANCP reports (IA, Art. 113.2)

COM Control Programme (IA, Art. 112)



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Timelines

27 October 2017:

DG SANTE meeting with Member States

- General update on the "entry into EU" chapter
- Roadmap of consultation to be agreed with Member States

22 November 2017:

DG SANTE Advisory Group on the Food Chain

- General update on the "entry into EU" chapter

29 April 2018:

Deadline for setting up

- Reference Centres for animal welfare
- EU Reference Laboratories on plant health



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Visit our website for more information:

The screenshot shows the European Commission website page for 'Official controls and enforcement' under the 'FOOD' category. The page features a navigation menu with 'HEALTH', 'FOOD', 'ANIMALS', 'PLANTS', and 'AMR'. The 'FOOD' section is highlighted. The main content area is titled 'Official controls and enforcement' and includes a 'Share' button. Below the title, there are sections for 'OFFICIAL CONTROLS AND ENFORCEMENT' (with sub-sections: Legislation on official controls, Import controls, EU Co-ordinated Control Programmes, Expert Groups and Working Groups), 'ALL TOPICS', and 'RELATED LINKS' (with links: DG Health and Food Safety (audits and analysis directorate), TRAdE Control and Expert System (TRACES), Rapid Alert System for Food and Feed (RASFF)). There are also 'RELATED DOCUMENTS' (Regulation (EU) 2017/625, Regulation (EC) N° 882/2004) and 'QUICK LINKS' (Rapid Alert for Food and Feed (RASFF), Health and food audits and analysis, European Food Safety Authority (EFSA)).

http://ec.europa.eu/food/safety/official_controls_en

Health and
Food Safety



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THE EU FOOD FRAUD NETWORK

A network of specialized services





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FOUR OPERATIONAL CRITERIA FOR FOOD FRAUD

No EU legal definition

1. Violation of EU Food Law

2. Intention

3. Economic gain

4. Deception of customers

Fraudsters have no interests in
creating public health incidents!

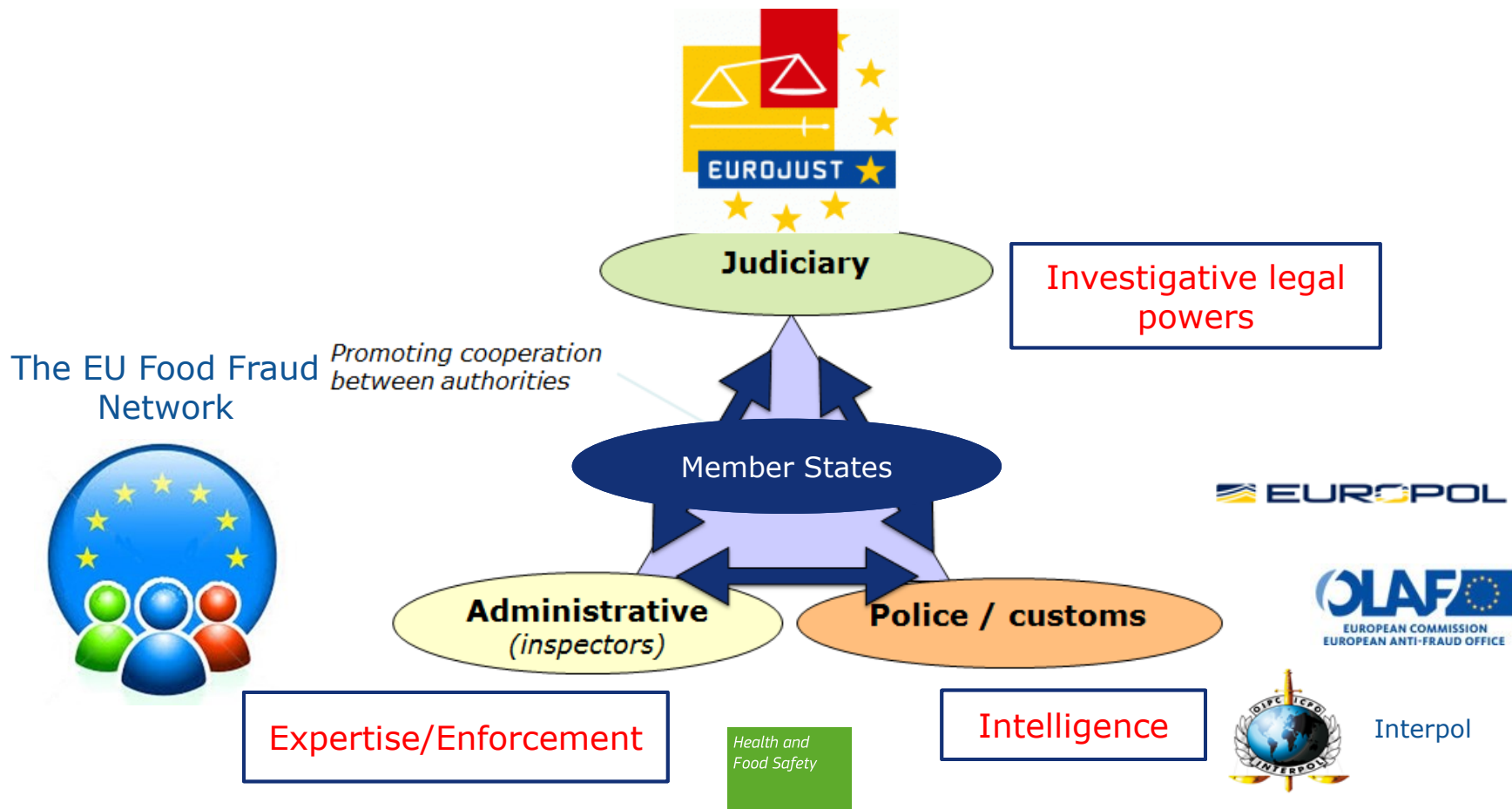


Attention of
authorities /media



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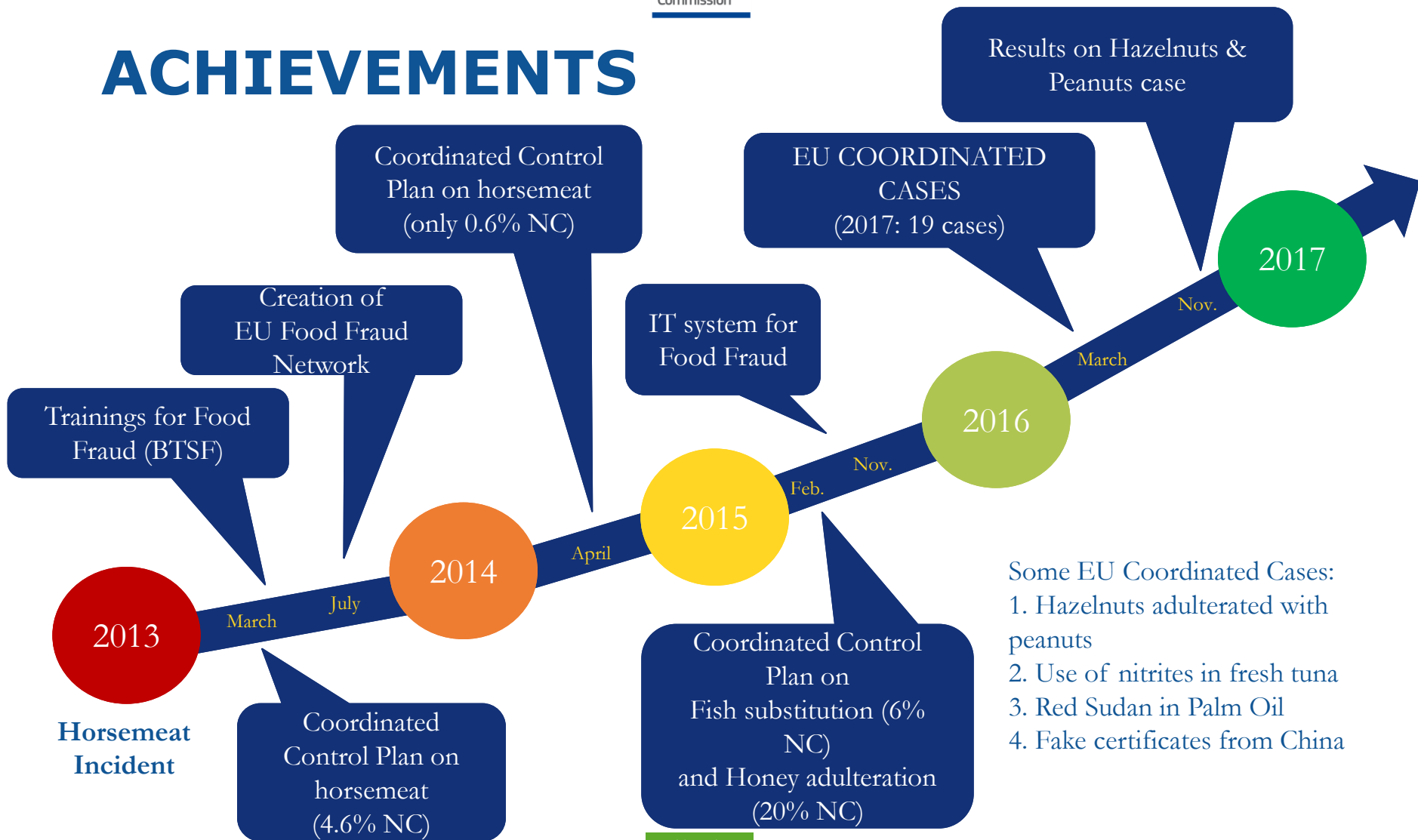
A COOPERATIVE APPROACH BASED ON TRUST





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ACHIEVEMENTS



- Some EU Coordinated Cases:
1. Hazelnuts adulterated with peanuts
 2. Use of nitrites in fresh tuna
 3. Red Sudan in Palm Oil
 4. Fake certificates from China



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EU Coordinated cases (Art 40 Reg.882/2004)

- **EU relevance** (*MS request or EC own initiative*)
 - Several Member States
 - Ramification in Non-EU countries
 - Disagreement between Member States

- **Tools**
 - Formal letters
 - EU inspections
 - Administrative sanctions (e.g. suspension of imports)
 - Specific legislation
 - EU harmonised detection methods

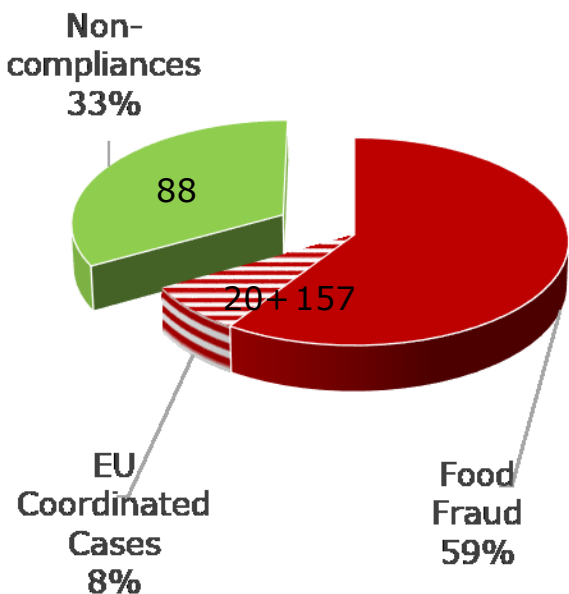
https://ec.europa.eu/food/safety/food-fraud/successful-stories_en



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Number of cases in the AAC Food Fraud (FF) / Non-compliances (AAC)

2016

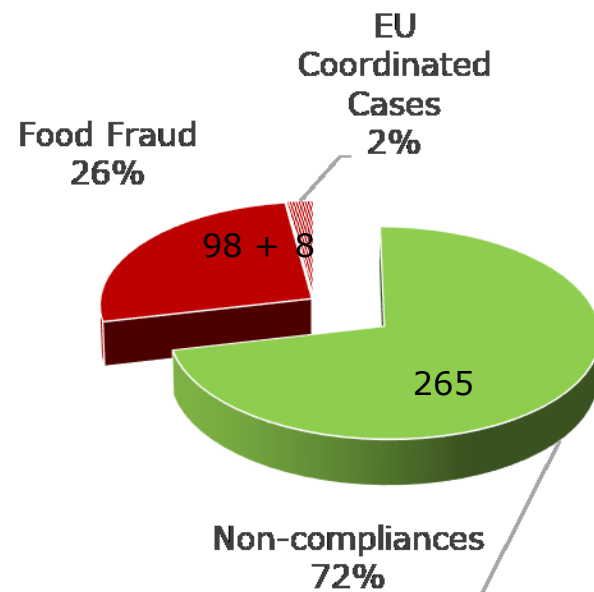


2016 - EU Coordinated Cases
Created: 18
Closed cases: 6

2017 - EU Coordinated Cases
Created: 10
Closed: 2

currently 20 open cases

2017





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EU-COORDINATED CASE

*Illegal treatment of
Tuna:
from canning grade to
Sushi grade*





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Consumer complaint after allergic reaction



Business own check
22% peanuts in ground hazelnuts



Report to DE authorities

Public Health Risk
+
Suspicion of Fraud

1. Violation of EU Food Law

Undeclared peanuts in hazelnuts consignments

2. Intention

Not accidental
14%, 22% and 16% substitution

3. Economic gain

~400\$ per Ton
1.4\$/Ton (peanuts) vs 3.3\$/Ton (hazelnuts)

4. Deception of customers

- Peanuts are allergens
- Consumer buying peanuts for the price of hazelnuts

19/01/16

RASFF* Alert
(22% and 16%)
+

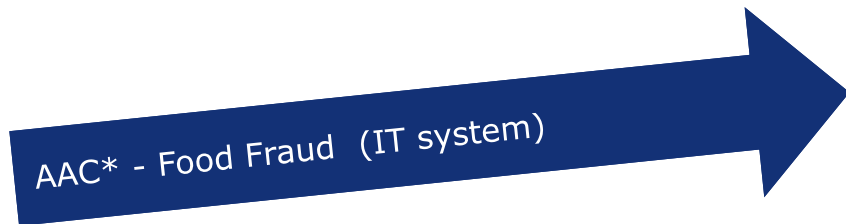
13/04/16
RASFF Alert
(14%)



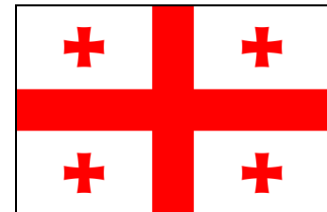
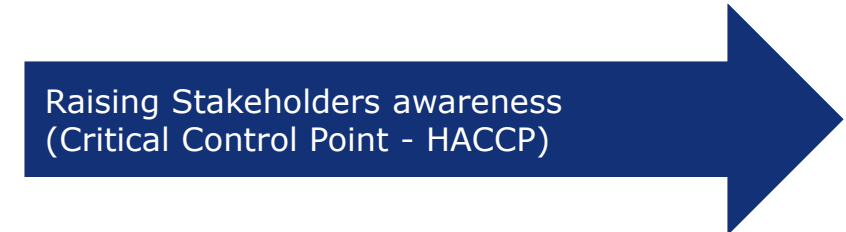


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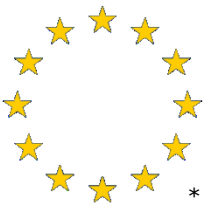
EU COORDINATION



The EU Food Fraud Network



Georgia



* AAC - Administrative Assistance and Cooperation

Health and Food Safety



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RESULTS



GEORGIAN AUTHORITIES
REACTION/COOPERATION



Urgent adoption of Regulation to strengthen controls on hazelnuts for export

Confirmation of fraudulent activities in 2 establishments (same owner)

Operator charged for falsification of hazelnuts products and forgery of tax documents (entail imprisonment from 2 to 4 years)

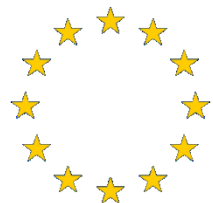


EU Market
Hazelnut flour



Authorities and Industry increased controls

Until February 2017 no new fraud detected
Feb/March 2017 : two new RASFF notifications : Commission in contact with Georgian authorities for further action





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What could you expect from a Food Fraud Contact Point ?

LEADERSHIP:

- to provide strategic guidance
- to identify emerging risk
- to co-ordinate investigation
- to negotiate on equal terms with other investigative services
- to promote a food fraud prevention strategies

Effective links with relevant technical experts and the forensic food science network

CAPABILITIES IN:

- Intelligence gathering
- Investigation, including financial investigation and cyber-crime, referring where appropriate to other police specialized services
- Prosecution

Dedicated staff with specialised skills including:

- Knowledge of the "food sector"
- Investigation, collection of evidence, taking statements, prosecution, giving evidence, working with other enforcement bodies, intelligence gathering analysis and sharing



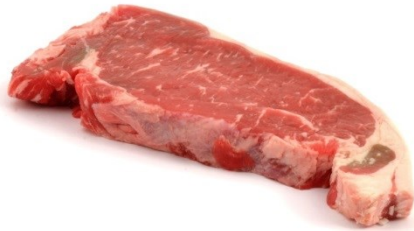
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Thank you for your attention

DO NOT FORGET

FOOD IN THE EU HAS NEVER BEEN SAFER!



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