



## Official controls: Stronger rules along the agri-food chain in the EU

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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.

Businesses and authorities benefit from reduced administrative burdens, more efficient processes and strengthened controls. Consumers benefit from more transparency on how controls are carried out to ensure food safety and high standards for plant health, animal health and welfare. Their economic interests are protected through reinforced rules to prevent fraud.

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

Official controls consist of checks performed by the competent authorities in EU (and EFTA) countries to verify that businesses comply with agri-food chain rules.

These rules cover the safety and quality of food and feed, and also plant health, animal health and animal welfare. Apart from animals, plants and goods on the EU market, they also apply to animals and agri-food chain products entering the EU from third countries and being exported to third countries.

The Official Controls Regulation (OCR) provides a basis for comprehensive risk-based controls along the agri-food chain. This allows the authorities to better target their controls and to put their resources where they are most needed. In particular, a more integrated IT system will allow control authorities to track problematic trade practices in a more efficient manner.

### What do the new rules change?

Among the main novelties are an extended scope to also cover plants, an increased transparency, reinforced tools to fight against food fraud, and an integrated system of border controls of animals, plants, food and feed. "Is the risk-based approach maintained?"

Yes.

Operators at all stages of production, processing and distribution that handle animals, plants, food, feed, as well as certain goods, substances, materials or equipment are governed by the new rules. Controls will be performed without prior notice, unless this is necessary and duly justified.

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. 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.

One important novelty is the obligation for Member States to protect whistle-blowers providing information on non-compliance to the competent authorities.

### Will transparency be increased?

Under the new rules, **Member States are obliged to ensure increased transparency**, for example through the publication of 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.

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

Yes.

A common set of rules will apply to official controls carried out on animals and goods entering the Union and posing a risk to health, safety, animal welfare (or in certain cases the environment).

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 onerous for enforcement authorities and industry.

Designated **Border Control Posts** will have to comply with common requirements to ensure efficient and coherent official controls.

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

Yes.

The OCR also applies to official controls of animals, food, plants and certain other goods sold via the internet.

The OCR provides Member States with a clear legal basis to order products online without identifying themselves ("mystery shopping") and use the products purchased as official samples. In cases of non-compliance, competent authorities can demand the modification of the content or the temporary closure of the website used by the perpetrator.

## **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 in case of suspected fraud. Financial penalties for fraud will need to reflect the expected economic gain or a percentage of the turnover made by the fraudulent operator.

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

The Official Control 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.

In March 2018, the Commission designated a first Reference Centre, for the **welfare of pigs**. In October 2019, a second Reference Centre was designated, dedicated to the **welfare of poultry and other small farmed animals**.

The OCR applies to official controls on animal welfare rules, e.g. on transport, slaughter and farming, and allows the Commission to adopt technical rules to adjust official control requirements to the specific needs of animal welfare, e.g. by way of the introduction of animal welfare indicators.

## **How do the new rules address plant health?**

The Regulation on official controls ensures harmonized controls for the verification of compliance with phytosanitary requirements, both at the external border and within the EU.

More specific delegated and implementing acts have been adopted concerning several areas. These include controls for the issuance of plant passport accompanying marketed plants, import and production of wood packaging material in accordance with international standards, details of import checks of newly regulated material (e.g. fruits, vegetables and cut flowers) and more prescriptive requirements concerning the location and infrastructure for official controls.

**Five European Reference Laboratories for plant health** have been established (insects and mites, fungi, viruses, nematodes and bacteria), designated and have started to work on 1st August 2019.

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

Yes.

The OCR 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 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.

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

The OCR enters into application **on 14 December 2019**.

Over the past two years, the **new rules have been gradually phased in** to give EU countries and businesses the time to adapt.

The 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.

Moreover, the OCR has been amended and supplemented with further specific rules, e.g. as regards meat inspections, plant health checks and official controls on animals and goods entering the Union. These rules will also, in general, apply from 14 December 2019.

For residues of substances in food and feed, animal welfare and plant health, certain rules will become applicable later, but before the end of 2022.

### **For More Information**

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

[Q&A on Plant Health](#)

[Q&A on RASFF@40](#)

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