



Overview EU Legislation

EU regulations on import controls

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- EU single market
- free circulation of goods, people and services

- ✓ harmonised rules for agri-food trade
- ✓ harmonised rules for official controls
 - businesses and products on the market
 - products entering the Union

Integrated official controls

OCR

Regulation (EU) 2017/625 – Official Control Regulation
Date of application: 14.12.2019

AHL

Regulation (EU) 2016/429 – Animal Health Law
Date of application: 21.04.2021

Public health

Public health law and certificates – Regulation (EU) 2019/624,
2019/625, 2020/2235, 2020/2236, 2021/403
Date of application: various

Contaminants,
residues, AMR

Commission Delegated Regulation (EU) 2022/931 on
contaminants
Commission Decision 2011/163/EU of 16 March 2011 on the
approval of plans submitted by third countries, as amended*

*COMMISSION IMPLEMENTING DECISION (EU) 2022/1390 of 9 August 2022

The Official Control Regulation OCR

Harmonised framework for the organisation of official controls and official activities along the entire agri-food chain

Official Controls Regulation (OCR)

Regulation (EU) 2017/625

since
12/2019

food

feed

GMOs

animal
health

animal
welfare

animal by-
products

plant
protection
products

plant
health

organics

PDO, PGI,
TSG

Common framework for carrying out border controls on animals and goods entering the EU.



Risk-based approach

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



Own-controls,
including private
quality assurance
schemes

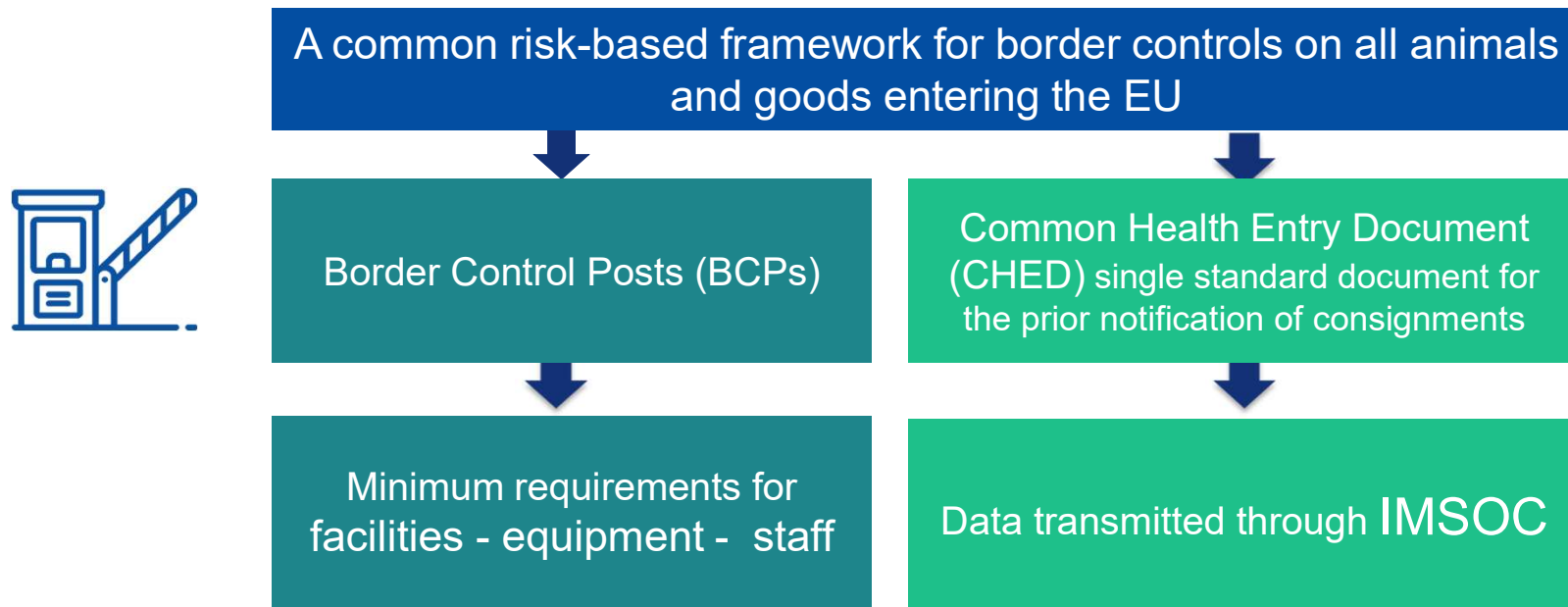
Risks associated with
animals and goods,
activities, location...and
the likelihood that
consumers might be
misled

Operator's
past record

Overview of the OCR

- General provisions (Art. 1-15)
- Additional requirements for official controls and other official activities in certain areas (Art. 16 – 27)
- Delegation of certain tasks of the competent authorities (Art. 28 – 33)
- Sampling, analyses, tests and diagnoses (Art. 34 – 42)
- **Official controls on animals and goods entering the Union (Art. 43 – 72)**
- Approval of the pre-export controls (Art. 73 – 74)
- **Cooperation between authorities in relation to consignments from third countries and specific measures (Art. 75- 77)**
- Financing of official controls and of other official activities (Art. 78 – 91)
- Reference laboratories & laboratories & reference centres (Art. 92 – 101)
- **Administrative assistance and cooperation**; planning & reporting; Union activities (Art. 102 – 11)
- **Union activities including IMSOC (Art. 115 – 136)**
- **Enforcement actions (Art. 137 – 167)**

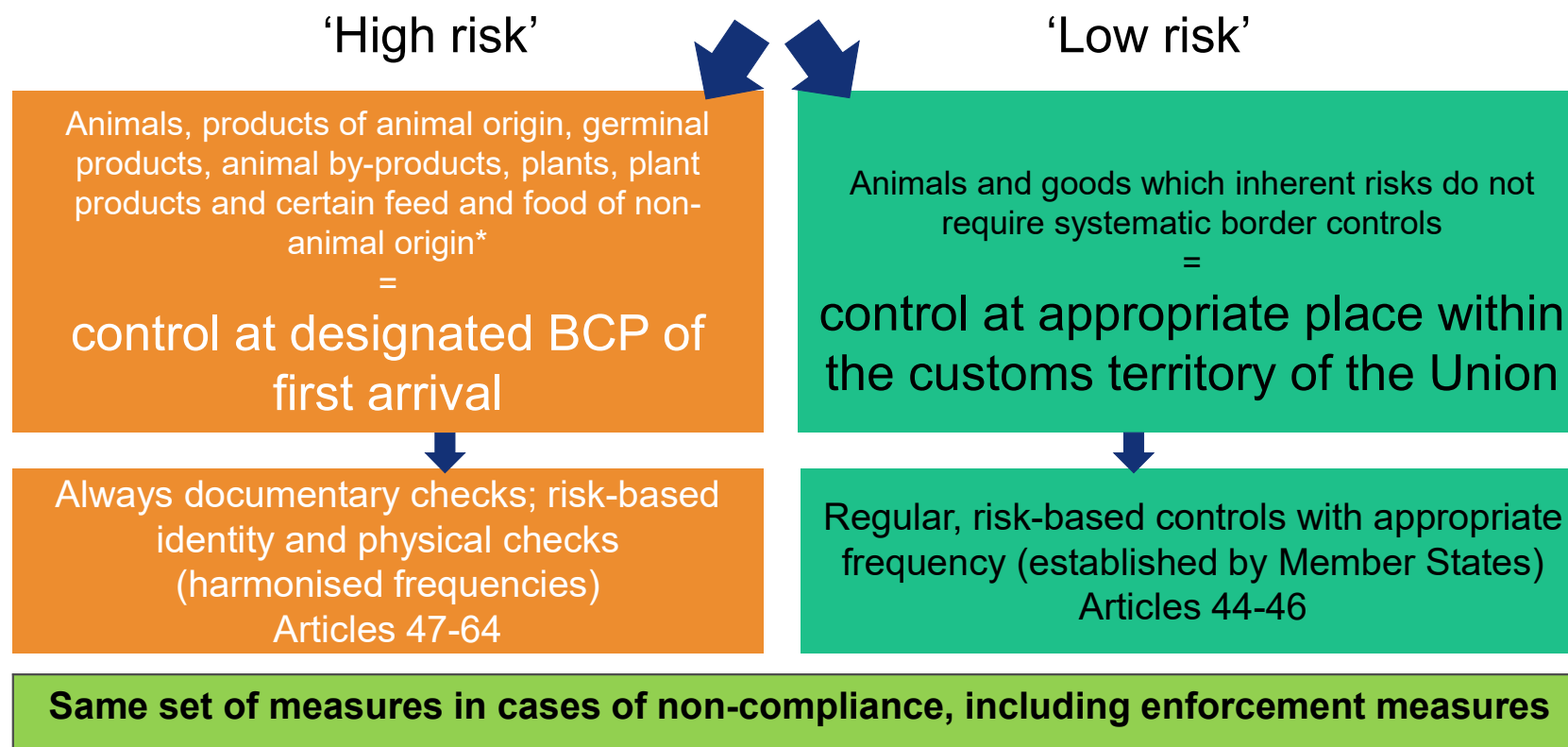
Common framework for border controls



Harmonised rules on import controls of food and feed of non-animal origin

Entry into the Union – Main rules

Articles 43 to 72 of the OCR



* Positive lists identifying animals and goods with CN codes are established.
For certain feed and food of non-animal origin: Regulation (EU) 2019/1793

Entry into the Union – Key elements

Articles 43 to 72 of the OCR

- ‘Border Control Posts’ (instead of ‘Border Inspection Posts’ in previous legislation)
- 100% documentary checks
- Harmonised frequency of identity checks and physical checks
- Basic principle: (nearly) all checks at EU border
- One CHED (‘Common Health Entry Document’)
- IMSOC (integrates TRACES, RASFF, EUROPHYT and AAC)
- Closer cooperation of all border control authorities

IMSOC

Information Management System for Official Controls
= integration of existing IT systems



OCR non-legislative acts

More than 30 acts adopted.

Examples:

- **Import model certificates**
CIR (EU) 2020/2235, 2020/2236, 2021/403
- **CN positive list** 2021/632 (amendment 2022/1322)
- **Composite products** exempted from BCP controls:
CDR (EU) 2021/630
- **New package on organic import controls**

Entered into application on 01/01/2022

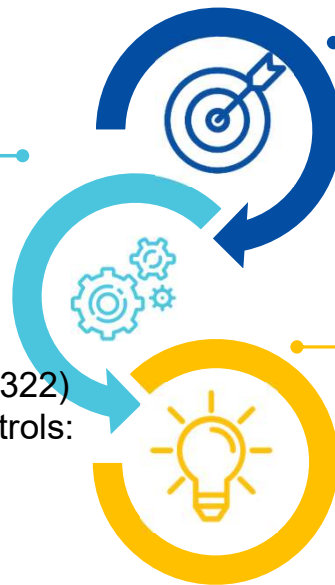
CDR (EU) 2021/2305 on categories of products exempted from official controls at BCPs

CDR (EU) 2021/2306 with rules on the official controls

CIR(EU) 2021/2307 laying down rules on documents and notifications

https://ec.europa.eu/food/safety/official_controls/legislation_en

https://ec.europa.eu/food/system/files/2019-12/oc_qa_ocreregulation_20191212_delegated_implemented_acts_en.pdf



OCR

85 empowerments for implementing and delegated acts

In preparation / discussion (examples)

- updates and revisions
- update of the IMSOC Regulation
- update of the CDR 2021/630 on composite products exempted from BCP checks

OCR Tertiary legislation respect to BCP control

Act	Subject
Del. Reg. (EU) 2019/1012	Re-designation of BCPs, derogation from BCP and CP requirements
Impl. Reg. (EU) 2019/1013	Prior notification of consignments
Impl. Reg. (EU) 2019/1014	BCP minimum requirements
Del. Reg. (EU) 2019/1081	Specific training requirements
Del. Reg. (EU) 2019/1602	CHED procedures
Del. Reg. (EU) 2019/1666	Monitored entry of consignments
Del. Reg. (EU) 2019/1715	IMSOC
Impl. Reg. (EU) 2019/1793	Temporary increase of controls and safeguard measures on FFNAO - Art. 47 (1)(d), (e) OCR
Del. Reg. (EU) 2019/2074	Re-entry goods and animals - Art. 47 (1)(a), (b), (c) OCR
Impl. Reg. (EU) 2019/2098	Re-entry of rejected consignments
Del. Reg. (EU) 2019/2122	Exemptions BCP control

OCR Tertiary legislation respect to BCP control

Act	Subject
Del. Reg. (EU) 2019/2123	Checks at control points for goods - Art. 47(1)(c), (d), (e)
Del. Reg. (EU) 2019/2124	Transit, Transhipment, Onward travel, Onward transportation
Del. Reg. (EU) 2019/2125	Wood packaging material
Del. Reg. (EU) 2019/2126	Specific control procedures
Impl. Reg. (EU) 2019/2128	Certificate for ship supply and military bases
Del. Reg. (EU) 2019/2129	Rules for frequency rate of identity and physical checks on consignments of animals and goods intended for release for free circulation
Impl. Reg. (EU) 2019/2130	Detailed rules on the operations to be carried out during and after BCP checks
Del. Reg. (EU) 2021/630	Exemption of certain categories of goods from official controls at BCPs
Impl. Reg. (EU) 2021/632	Positive List

OCR Tertiary legislation respect to BCP control

Act	Subject
Impl. Reg. (EU) 2019/625	<ul style="list-style-type: none">→ supplementing Reg. (EU) 2017/625 with regard to requirements for the entry into the Union of consignments of certain animals and goods intended for human consumption→ Import conditions food of animal origin
Impl. Reg. (EU) 2021/405	<ul style="list-style-type: none">→ laying down the lists of third countries or regions thereof <u>authorised for the entry into the Union of certain animals and goods intended for human consumption in accordance with Regulation (EU) 2017/625 of the European Parliament and of the Council</u>→ Repeal: Impl. Reg. (EU) 2019/626 (Third countries lists)

Official certification based on Art. 90(a) of the OCR and Art. 238(3) AHL



“IA FOOD”

Commission
Implementing Regulation
(EU) 2020/2235

standard model of
certificates,
model certificates and
private attestation for
goods

INTRA-3
ENTRY-52
Declarations - 6



“IA TERRE”

Commission
Implementing Regulation
(EU) 2021/403

model certificates and
declarations for
terrestrial animals and
germinal products
thereof

INTRA-65
ENTRY-68
Declarations - 2



“IA AQUA”

Commission
implementing Regulation
(EU) 2020/2236

model certificates and
declaration for aquatic
animals and products
thereof

INTRA-7
ENTRY-1
Declaration - 1

From 169 current models under 30 acts to 162 revised models under 3 new acts

Corrections still to be made in the coming months, in particular to the references to legal acts establishing list of countries

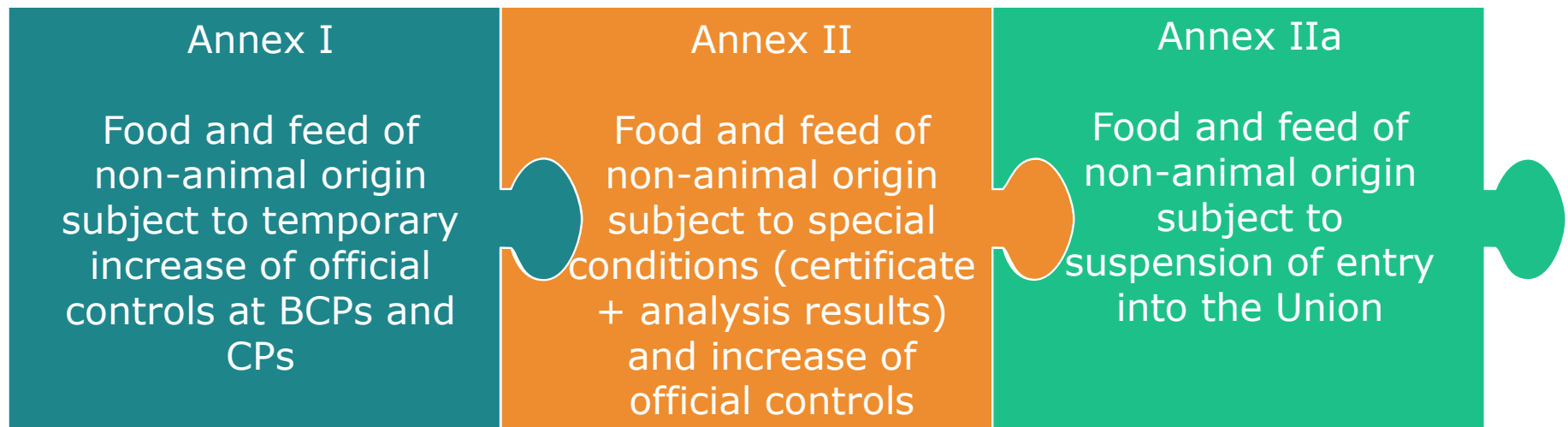


Food and feed of non-animal origin subject to official controls upon entry into the Union

Regulation (EU) 2019/1793

Key elements of Regulation (EU) 2019/1793

The Regulation lays down the lists of food and feed of non-animal origin from certain third countries, subject to temporary increase of official controls/ special conditions/suspension of entry into the Union



Key elements of Regulation (EU) 2019/1793

Rules on the **frequency of identity checks and physical checks** for products listed in Annexes I and II (to be applied as an overall frequency for all products of an entry)

Rules on the **methods to be used for sampling and for laboratory analyses** for products listed in Annexes I and II

Rules and requirements for the **model official certificate** required to accompany consignments of products listed in Annex II

Rules for the issuance of **replacement certificates**

Excluded from the scope

- Food and feed of non-animal origin in **transit** (defined in Art. 3(44) of the OCR): the act applies to food and feed listed in Annexes I and II intended for placing on the Union market;
- Food and feed **on board means of transport operating internationally**, which are not unloaded and are intended for consumption by the crew and passengers.
- The following categories of consignments of products, unless their net weight exceeds 5 kg of fresh products or 2 kg of other products:
 - consignments which form **part of passengers' personal luggage** and are intended for personal consumption or use;
 - **non-commercial consignments sent to natural persons**, which are not intended to be placed on the market.
- The following categories of consignments of products, unless their net weight exceeds 50 kg of fresh products or 10 kg of other products:
 - consignments sent as **trade samples, laboratory samples or as display items** for exhibitions, which are not intended to be placed on the market;
 - consignments intended for scientific purposes.

Temporary increase of official controls – products listed in Annex I

- 100% documentary checks at BCP
- Identity and physical checks (including sampling and laboratory analysis) at BCPs/ control points, at the frequency set out in the Annex

Currently, 7 foods (10 CN codes) are listed in Annex I

Country	Product description	CN code	Frequency	Control type	Value
India (IN)	Curry leaves (<i>Bergera/Murraya koenigii</i>) (Food – fresh, chilled, frozen or dried)	ex 1211 90 86	10	Pesticide residues ⁽³⁾ ⁽¹⁰⁾	50
	Okra (Food – fresh, chilled or frozen)	ex 0709 99 90 ;	20	Pesticide residues ⁽³⁾ ⁽¹¹⁾ ⁽²¹⁾	20
		ex 0710 80 95	30		
	Drumsticks (<i>Moringa oleifera</i>) (Food)	ex 0709 99 90	10	Pesticide residues ⁽³⁾	10
	Rice (Food)	1006		Aflatoxins and Ochratoxine A	5
				Pesticide residues ⁽³⁾	5
	Yardlong beans (<i>Vigna unguiculata</i> ssp. <i>sesquipedalis</i> , <i>Vigna unguiculata</i> ssp. <i>unguiculata</i>) (Food – fresh, chilled or frozen vegetables)	ex 0708 20 00 ;	10	Pesticide residues ⁽³⁾	20
		ex 0710 22 00	10		
Guava (<i>Psidium guajava</i>) (Food)	ex 0804 50 00	30	Pesticide residues ⁽³⁾	20	
Nutmeg (<i>Myristica fragrans</i>) (Food – dried spices)	0908 11 00 ; 0908 12 00		Aflatoxins	30	

Special import conditions – products listed in Annex II

In addition to increased official controls upon entry into the Union, with identity and physical checks at the frequency established in the Annexes, each consignment shall be accompanied

- ✓ by the **results of sampling and analyses** (Article 10) performed by the competent authorities of the third country of origin/ country where the consignment is consigned from
- ✓ by an **official certificate** (Article 11): model set out in **Annex IV**.

Currently, 12 foods are listed in Annex II

India (IN)	Betel leaves (<i>Piper betle</i> L.) (Food)	ex 1404 90 00	10	<i>Salmonella</i> (?)	10
	Peppers of the genus <i>Capsicum</i> (sweet or other than sweet) (Food – dried, roasted, crushed or ground)	0904 21 10; ex 0904 22 00; ex 0904 21 90; ex 2005 99 10; ex 2005 99 80	11; 19 20 10; 90 94	Aflatoxins	20

	Groundnuts (peanuts), in shell	1202 41 00			
	Groundnuts (peanuts), shelled	1202 42 00			
	Peanut butter	2008 11 10			
	Groundnuts (peanuts), otherwise prepared or preserved, including mixtures	2008 11 91; 2008 11 96; 2008 11 98; ex 2008 19 12; ex 2008 19 19; ex 2008 19 92; ex 2008 19 95; ex 2008 19 99	40 50 40 40 50	Aflatoxins	50
	Oilcake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of groundnut oil	2305 00 00			
	Groundnut flours and meals	ex 1208 90 00	20		
	Groundnuts paste <i>(Food and feed)</i>	ex 2007 10 10 ex 2007 10 99 ex 2007 99 39	80 50 07; 08		
	Peppers of the genus <i>Capsicum</i> (other than sweet) <i>(Food – fresh, chilled or frozen)</i>	ex 0709 60 99; ex 0710 80 59	20 20	Pesticide residues ⁽⁴⁾ ⁽⁵⁾	20

<i>Sesamum</i> seeds (Food and feed)	1207 40 90	40	<i>Salmonella</i> ⁽⁶⁾	20
	ex 2008 19 19		-	
	ex 2008 19 99		Pesticide residues ⁽¹¹⁾	50
Locust beans (carob)	1212 92 00		Pesticide residues ⁽¹¹⁾	20
Locust beans seeds, not decorticated, crushed or ground	1212 99 41			
Mucilages and thickeners, whether or not modified, derived from locust beans or locust bean seeds (Food and feed)	1302 32 10			

	Guar gum (Food and feed)	ex 1302 32 90		Pesticide residues ⁽¹⁾	20
				Pentachlorophenol and dioxins ⁽²⁾	5
	Mixtures of food additives containing locust bean gum or guar gum (Food)	ex 2106 90 92 ex 2106 90 98 ex 3824 99 93 ex 3824 99 96		Pesticide residues ⁽¹⁾	20
	Pepper of the genus <i>Piper</i> ; dried or crushed or ground fruit of the genus <i>Capsicum</i> or of the genus <i>Pimenta</i>	0904		Pesticide residues ⁽¹⁾	20
	Vanilla	0905			
	Cinnamon and cinnamon- tree flowers	0906			
	Cloves (whole fruit, cloves and stems)	0907			
	Nutmeg, mace and cardamoms	0908			
	Seeds of anise, badian, fennel, coriander, cumin or caraway; juniper berries	0909			
	Ginger, saffron, turmeric (curcuma), thyme, bay leaves, curry and other spices (Food – dried spices)	0910			

Sauces and preparations thereof; mixed condiments and mixed seasonings; mustard flours and meals and prepared mustard (Food)	2103		Pesticide residues (¹¹)	20
Calcium carbonate (Food and feed)	ex 2106 90 92/98 ex 2530 90 00 ex 2836 50 00		Pesticide residues (¹¹)	20
Food supplements containing botanicals (Food)	ex 1302 ex 2106		Pesticide residues (¹¹)	20'

(11)

Residues of Ethylene Oxide (sum of ethylene oxide and 2-chloro-ethanol, expressed as ethylene oxide). In case of food additives, the applicable MRL is 0.1 mg/kg (LOQ). Prohibition of use of ethylene oxide provided for in Regulation (EU) No 231/2012

Regular reviews of Regulation (EU) 2019/1793 (Art. 12)

The Commission reviews the lists of commodities set out in the Annexes

- on a regular basis (not exceeding six months)
- in light of **new information related to risks and non-compliance.**
- In case of an emerging risk/ widespread serious non-compliance with the Union agri-food chain legislation, a safeguard measure may be imposed at any moment, independent of the regular reviews, in reaction to imminent problems.

Commission Implementing Regulation (EU) 2022/913* of 30 May 2022 amending Implementing Regulation (EU) 2019/1793

Commodities originating in India, affected by amendments in the Annexes

Annex I

NEW

- Yardlong beans and guava for pesticide residues, at a frequency of 20%
- Rice for pesticide residues, at a frequency of 5%

AMENDMENT

Rice for aflatoxins and ochratoxine A, extension of CN codes and reduced frequency of 5%

- DELISTING nutmeg – inclusion in Annex I, at a frequency of 30%
- INCLUSION of 'Mixtures of food additives containing locust bean gum or guar gum' and relevant CN codes, to extend the scope of the entries concerning locust beans and guar gum, due to the risk from contamination by EtO. Frequency of 20%.
- CHANGE – 'only dried spices' (CN code 0910) for EtO, at a frequency of 20%

COMMISSION NOTICE on information related to risks and non-compliance

in the context of periodic reviews of Commission Implementing Regulation (EU) 2019/1793 (2022/C 265/01)

This Commission Notice explains the relevant criteria and considerations, in the context of periodic reviews under Article 12 of Commission Implementing Regulation (EU) 2019/1793

Steps of the review

- Information collection
- Information analysis
- Possible amendments

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Thank you



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