The Official Controls Regulation (OCR)
Regulation (EU) 2017/625 on Official Controls and Other Official Activities

Regulation (EU) 2017/625 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), **known as the OCR**, became a directly applicable Regulation in the UK with effect from 14th December 2019.

The OCR has repealed and replaced Regulation (EC) No 882/2004 on official controls and a number of EU Regulations and Directives. A full list of repealed legislation can be found in **Annex A** at the end of this document.

The OCR provides the rules for the organisation and performance of official controls and other official activities that Competent Authorities (CAs) must carry out to verify compliance with agri-food chain legislation. This is the legislation referred to in Article 1(2) of the OCR and includes food and feed safety, animal health and welfare requirements, Genetically Modified Organisms (GMOs), organics and plant health rules.

The OCR introduces the following changes:

- extends the scope of the previous Regulation (EC) No 882/2004 on official controls to include plant health, animal by-products (ABPs) and plant protection products to cover the whole agri-food chain;

- provides for greater transparency and accountability by CAs through the publication of information about the organisation and performance of official controls;

- strengthens rules for administrative assistance and cooperation between Member States in case of cross-border breaches of agri-food chain rules;

- strengthens rules on fraudulent and deceptive practices along the agri-food chain, including the requirement for CAs to perform regular and unannounced risk-based controls to identify fraudulent activities and sets out new rules on financial penalties for fraudulent behaviours;

- clarifies rules on official certification and specifies that those rules apply to official certificates which are necessary for the purposes of exporting animals and goods to a third country;

- introduces harmonised rules for the performance of official controls at borders of animals, animal products, plants and other categories of goods; and

- establishes IMSOC (Information Management System for Official Controls) which will link all existing and future IT systems managed by the European Commission (e.g. TRACES, RASFF and Europhyt) to enable an efficient exchange of information between Member States.

1. Import Controls

The OCR aims to overcome the previous fragmented import controls rules by providing one common set of requirements for all categories of animals and goods under Article 47(1) of the OCR which are subject to official controls when entering the EU. In doing so, the OCR repeals EU legislation which requires official controls at borders such as Council Directives 97/78/EC and 91/496/EEC.

Chapter V of the OCR, that includes Articles 43 to 77, consolidates and adjusts requirements for import controls at BCPs for the categories of animals and goods listed under Article 47(1) of the OCR. Tertiary legislation made under the OCR – in the form of Commission Implementing and Delegated Regulations - establishes further import control requirements and cases and conditions under which animals and goods can be exempted from these controls.

The main requirements of the OCR and associated Commission legislation are below.

2. Border Control Posts (BCPs)

All border facilities have been re-designated as Border Control Posts (BCPs) in accordance with Article 61 of the OCR. The re-designation of these border control entities was subject to compliance with the BCP minimum requirements set out in Article 64 of the OCR and with the detailed minimum requirements set out in **Commission Implementing Regulation (EU) 2019/1014.**

The requirements of Article 64 of the OCR include, but are not limited to, the need for the BCP to have a sufficient number of suitable qualified staff; premises and facilities adequate to the nature and volume of the consignments handled; access to the service of official laboratories and arrangements to comply with biosecurity standards.

Implementing Regulation 2019/1014 sets out detailed common rules concerning BCP infrastructure, equipment and documentation that apply to BCPs designated for any of the categories of animals and goods referred to in Article 47(1) of the OCR. These rules include: storage facilities for feeding stuffs; bedding; equipment for feeding and watering; inspection rooms with facilities to maintain, where necessary, a temperature control environment and changing rooms.

This regulation (2019/1014) provides for certain exemptions from minimum requirements. For example, the exemption for BCPs to have the unloading area covered by a roof for non-containerised consignments and consignments that consist of large quantities of un-packed goods. Also, specific exemptions from certain minimum requirements are provided in Article 3 of this regulation for BCPs designated for plants, plant products and other objects.

Once designated, each Member State must make publicly available the updated list of BCPs on its territory. A list of BCPs is available on **gov.uk.** Please note that the BCP list reflects the format required by Implementing Regulation 2019/1014 and the abbreviations set out there.

3. Information Management System for Official Controls (IMSOC)

The IMSOC (Information Management System for Official Controls) has been set up by the Commission for the integrated operation of the different IT systems through which data, information and documents concerning official controls are processed and handled.

IMSOC builds on IT infrastructure which is already available; in particular, the Trade Control and Expert System (TRACES), through which data and information in relation to veterinary controls are handled. **Commission Implementing Regulation (EU) 2019/1715** sets out the rules for the functioning of IMSOC.

4. Common Health Entry Document (CHED) and TRACES NT

The use of the Common Health Entry Document (CHED) will be governed by rules contained within Articles 56 and 57 of the OCR. This single standard document, which replaces the Common Veterinary Entry Document (CVED) and the Common Entry Document (CED) will be used by operators for the mandatory prior notification of the arrival of consignments of animals and goods referred to in Article 47(1) of the OCR.

The date importers will need to start using TRACES NT and the new documentation depends on what is being imported:

- **Importers of high risk food and feed not of animal origin (HRFFNOAO)**: Importers need to ensure they register for TRACES NT as soon as possible. Once registered, users will require to complete a CHED on TRACES NT.

- **Importers of live animals:** Importers need to ensure they register for TRACES NT as soon as possible. However, once registered for TRACES NT, users should continue to pre-notify using the current TRACES Classic system for a short period of time. Defra will let importers know when to start to pre-notify using TRACES NT.

- **Importers of POAO including meat and dairy**: The introduction of TRACES NT for these products is being delayed for all Member States. Importers should continue to use the current CVED documentation and the TRACES Classic system. Again, Defra will provide further information ahead of switchover.

Further information is provided on the Defra website.

5. Minimum time for prior notification for CHED/CVED

The Commission has set out the requirements for the minimum time for the prior notification in **Commission Implementing Regulation (EU) 2019/1013**.

More specifically, the minimum time for the operator to pre-notify the arrival of consignments of animals and goods referred to in Article 47(1) of the OCR will be one working day. To address cases of logistical constraints (e.g. consignments travelling by airplane where the departure notice can be very short) the Implementing Regulation allows CAs at the BCP to apply a period of prior notification of at least four hours.

6. CHED/CVED accompanying consignments

To ensure the traceability of consignments, **Commission Delegated Regulation (EU) 2019/1602** sets out the conditions and practical arrangements under which the CHED needs to accompany consignments of animals and goods referred to in Article 47(1) of the OCR, and rules relating to the CHED/CVED when consignments are split. These rules reflect existing practices.

7. Monitoring the transport and arrival of consignments

Commission Delegated Regulation (EU) 2019/1666 requires that the transport of the categories of goods under Article 47(1)(b) of the OCR from the BCP of arrival to the place of destination in the Union (same or different Member State) is monitored (previously referred to as channelling). The rules for the monitoring laid down in that Regulation are not significantly different from previous practices.

- The CAs at the place of destination shall notify through TRACES upon arrival of the consignment the CAs of the BCP where the controls were performed.
- In cases where a notification is not received within 15 days from when the transport of the consignment was authorised, then the BCP authorities must carry out further investigations, with a view to determining the actual location of the consignment.
- Where the consignment does not arrive at the place of destination, the authorities at the BCP of arrival and at the place of destination shall take any enforcement action they deem appropriate against the operator responsible for the consignment.

8. Official Controls at BCPs: Official Veterinarian (OV) and designated staff

To enable efficient organisation of official controls, the OCR allows Member States to identify the most appropriate staff to perform controls. However, in certain cases, considering risks to biosecurity and public health, Member States are required to refer to Official Veterinarians (OVs) or other specifically designated staff.

Article 49 of the OCR provides for the checks to be performed at BCPs on the categories of animals and goods under Article 47(1) of the OCR. More specifically, in terms of physical checks, Article 49(2) of the OCR requires that:

- physical checks on animals (except aquatic animals) and on meat and edible meat offal are performed by an OV, who may be assisted by staff trained in accordance with the requirements of **Commission Delegated Regulation (EU) 2019/1081** and designated for that purpose by the CA; and
- physical checks on aquatic animals, POAO (except meat and meat offal) germinal products and ABPs can be performed by an OV or by staff trained in accordance with the requirements of this Regulation (2019/1081) and designated for that purpose by the CA.

Article 49(2) of the OCR therefore does not restrict the performance of physical checks to OVs. On the contrary it provides the flexibility to CAs to designate trained staff where physical checks concern the animals and animal products indicated in Article 49(2)(b) of the OCR.

9. Decisions on consignments

Article 55 of the OCR requires that decisions on consignments are taken by the OV where the decisions concern animals, POAO, germinal products or ABP; and by the plant health officer if they concern plants, plant products and other objects (any material or object, other than plants or plant products, capable of harbouring or spreading pests, including soil or growing medium).

However, for decisions concerning consignments of fishery products, live bivalve molluscs, live echinoderms, live tunicates and live marine gastropods intended for human consumption, CAs may decide that they are taken by appropriately trained staff who have been specifically designated by the CAs for that purpose. In the UK this is currently Official Fish Inspectors.

10. Frequency of Identity and Physical Checks

Commission Implementing Regulation (EU) 2019/2129, which repeals Decision 94/360/EC, establishes the frequency rates for identity and physical checks of consignments of animals and goods referred to in Article 47(1)(a) and (b) of the OCR intended to be placed on the market. The frequency rate for physical checks has now changed and the highest frequency is at 30% for products. The new frequency rates for physical checks have been laid down in Annex I of this Regulation (2019/2129).

The frequency rate for physical checks on specific goods from a specific third country may be increased where serious deficiencies are identified based on:

- information collected by the Commission in accordance with Article 125(1) of the OCR; or
- the outcome of controls performed by Commission experts in accordance with Article 120(1) of the OCR.

In this case, the frequency rate will be increased to the next higher baseline frequency rate set out in Annex I or to a frequency rate of 50% where the frequency rate applicable to the specific category of goods is already at 30%. The list of specific third country goods subject to a higher frequency of checks will be made available in IMSOC.

11. RASFF Intensified Official Controls

Re-enforced checks are now referred to as Intensified Official Controls (IOC). **Commission Implementing Regulation (EU) 2019/1873** establishes rules for the coordinated performance of IOC on POAO, germinal products, ABPs and composite products entering the Union for placing on the market. Each consignment must receive full checks when coming from the same establishment of origin and containing the same category of goods, for the same type of infringement, as indicated in IMSOC. Where the

commodity codes are not specific enough to properly identify the category of goods, the BCPs shall only subject consignments to IOC if they correspond to the description of the goods.

The BCPs must record in TRACES the reasons for not subjecting a selected consignment to the coordinated performance of REC/IOC. If three consignments reveal the same infringement, the coordinated performance of IOC must be maintained (imposed checks) until the results and the action of the CAs in the third countries concerned are satisfactory and there has been an uninterrupted sequence of at least 30 satisfactory results in the coordinated performance of REC/IOCs recorded in the TRACES by the BCPs. The Commission will ask the authorities of the third country of concern to investigate and take measures to address the problem and report back to the Commission.

Please note that the 'less than 10% weight of original consignment' rule did not become applicable from 14th December 2019. Any consignment meeting IOC criteria must be tested even if the weight is less than 10% of the original consignment. In order to be lifted from IOC controls, the consignment must have at least 10 satisfactory results and the total must be 10 times the weight of the original consignment (or = 300 tonnes).

12. Transit and Transhipment

Commission Delegated Regulation (EU) 2019/2124 sets out rules for official controls of consignments of animals and goods in transit, transhipment and onward transportation through the Union. The regulation indicates that the transit regime has not differed from previous requirements for products, but the transit time period has been reduced from 30 to 15 days from entry to exit of the EU.

With regards to transhipment, BCPs must perform documentary checks required to accompany transhipped consignments of POAO, germinal products, ABP, derived products, hay and straw and composite products in the following cases:

- for goods subject to the animal health requirements and to the rules for the prevention and minimisation of risks to human and animal health arising from ABP and derived products where the transhipment period:
    - at the airport exceeds 3 days;
    - at the port exceeds 30 days;
- for goods not subject to animal health requirements where the transshipment period exceeds 90 days.

13. Re-import Procedures

Commission Delegated Regulation (EU) 2019/2074 lays down the specific rules for the performance of specific controls on consignments of animals, POAO, ABPs, germinal products, composite products, hay and straw, plants, plant products and other objects (as referred to in Article 47(1) (a) (b) and (c) of the OCR) originating and returning to the EU following refusal of entry by a third country (i.e. re-import).

In particular, it states that the operator must receive a declaration of the place of destination in the EU that they agree to receive the consignment. However, that declaration is not required where the consignment returns to the establishment of origin of the consignment, which is located in the same Member State as the BCP of arrival into the EU.

Consignments will only follow the monitoring procedures if a declaration is provided from APHA, FSA or EU CA.
This regulation includes specific Public Health re-import requirements for POAO and Composite Products, which are as follows:

- must have original Export Health Certificate or a certificate electronically issued on TRACES or the origin of the consignment can be authenticated in another way on the basis of documented evidence from the operator;
- official declaration by third country CA or other Public Authority indicating:
    - Reason for refusal of entry;
    - Place and date of unloading and re-loading in the third country;
    - The consignment did not undergo any other handling than unloading, storage and re-loading;
    - The unloading and re-loading of the POAO was handled hygienically to avoid cross-contamination;
    - The POAO were stored under hygienic conditions and at the required temperature for the relevant type of goods;
- This declaration is not required if the consignment has an intact original seal. The operator must then submit a declaration stating the reason for the refusal of entry by the third country and confirm that the transport has taken place under conditions appropriate for the relevant type of POAO.

There is a separate Implementing Decision for the specific Animal Health re-import requirements for POAO and Composite products.

Commission Implementing Decision (EU) 2019/2098 applies from 14th December 2019 until 21st April 2021 and lays down the animal health requirement for the re-import of POAO and Composite Products. Council Directive 2002/99/EC currently does not lay down specific animal health requirements for the re-entry into the EU of POAO, which have been refused entry by a third country, as the requirements are held in Directive 97/78/EC that has been repealed and replaced by the OCR. Therefore, to provide legal certainty and to mitigate potential animal health risks, the animal health requirements laid down in Decision (EU) 2019/2098 apply.

The Decision states that if the POAO were unloaded in a third country, the CA or Public Authority of the third country must attest that:

- Effective measures were put in place to avoid the contamination of the POAO with disease agents which cause transmissible animal diseases listed in Annex I to Directive 2002/99/EC during the unloading, storage and re-loading in the third country;

- The place of any unloading, storage and re-loading in the third country was not subject to animal health movement restrictions due to transmissible animal diseases listed in Annex I to Directive 2002/99/EC during the unloading, storage and re-loading in the third country.

Please note: For goods rejected on commercial grounds, it will not be required to follow the re-import procedures as it only concerns goods rejected from the third country CA.

14. Approved third countries to export to the EU

The list of approved third countries to export to the EU certain commodities are laid down in Commission Implementing Regulation (EU) 2019/626**.**

The Regulation lists the approved third countries for:

- Bivalve molluscs, echinoderms, tunicates, marine gastropods, fish, POAO, frog legs, snails;
- Reptile meat: Switzerland, Botswana, South Africa, Zimbabwe;
- Insects: Canada, Switzerland and South Korea
- Other POAO, if from ungulates third countries listed in Regulation (EU) No 206/2010 or from South Korea, Malaysia, Pakistan, Taiwan; if from poultry third countries listed in Regulation (EC) No 798/2008 and Taiwan.

This Regulation (2019/626) also provides for transitional provisions until 20th April 2021 for Member States to continue to allow the entry into the EU of consignments of casings from third countries/regions authorised for the import of casings into the Union in accordance with Decision 2003/779/EC.

Decision 2006/766/EC concerning fishery products has been repealed and the references to this Decision shall be read in accordance with the correlation table set out in Annex IV to Implementing Regulation 2019/626.

15. Model Export Health Certificates

Commission Implementing Regulation (EU) 2019/628 contains 17 new/amended certificates for fishery products, gelatine and collagen, snails/frog legs etc. Most of the requirements remain the same as the previous certificates. Five of the EHCs are for newly harmonised commodities, which are as follows: insects, reptile meat, other POAO, lard and rendered fats, seeds/sprouts.

This Regulation (2019/628) provides transitional provisions for POAO accompanied by the relevant certificates issued in accordance with Regulation (EC) No 2074/2005 and Implementing Regulation (EU) 2016/759.

Third countries may until 13th March 2020 also:

- Use the existing certificate for meat products as set in Annex III to Decision 2007/777/EC to import into the EU Rendered Animal Fats and Greaves;

- Export to the EU of consignments of reptile meat, insects and other POAO without the certificates laid out in Regulation 2019/628.

16. Certificates following the old and new model

Third countries are able to provide paper copies of the certificates using the harmonised format available in relevant existing legislation. Article 3 of Regulation 2019/628 does not require the new model Part 1 for certificates that are not submitted in IMSOC, unless the commodity requires one of the new certificates (e.g. fishery products, gelatine or collagen etc).

If third countries intend to use electronic certification through IMSOC then they should use the new Model Part 1 for all EHCs, as laid out in Annex I of Regulation 2019/628.

Please note that further EHCs for meat, dairy and eggs, etc. will be reviewed and published in Commission legislation made under the Animal Health Regulation by 2021.

17. Operator's right to appeal

The Trade in Animals and Related Products (TARP) Regulations have been amended to comply with the OCR. The new draft TARP states in Regulation 20 that the importer or the importer's representative may immediately, and not later than one working day after notification of the non-compliance, make written representations to the Scottish Ministers regarding any decision taken under this regulation, and any such representations must be considered and a written response given by the Scottish Ministers within one working day of receipt of such representations.

If the importer does not agree with the decision made by the Scottish Minister, the importer may appeal within one month of the decision to a Sheriff court.

18. BCP Official Stamps

BCPs must organise their own stamps and tapes with the new 'BCP' reference. Defra and the Scottish Government will allow BCPs to continue using their existing tape and stamps if there is a surplus amount of tape rolls and stamps left. The Scottish Government recommends ordering new stamps using the example template below. The stamp must include the BCP reference and the TRACES code.

ANNEX A

EU Legislation repealed by the Official Controls Regulation (EU) 2017/625	
Regulation 854/2004	Rules for the organisation of official controls on products of animal origin intended for human consumption
Regulation 882/2004	On official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules
Directive 89/608	On mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of legislation on veterinary and zootechnical matters
Directive 89/662	Concerning veterinary checks in intra-Community trade with a view to the completion of the internal market
Directive 90/425	Concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market
Directive 91/496	Principles governing the organisation of veterinary checks on animals entering the Community from third countries
Directive 96/23	Measures to monitor certain substances and residues thereof in live animals and animal products
Directive 96/93	On the certification of animals and animal products
Directive 97/78	Principles governing the organisation of veterinary checks on products entering the Community from third countries
Decision 92/438	On computerisation of veterinary import procedures