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BIP TRAINING DAY
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London Nobel House

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Smarter rules for safer food

EC proposals on official controls

Regulation (EC)882/2004

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Purpose of Regulation 882/2004

- It sets out the general principles that Member States must adopt to deliver their enforcement duties (e.g. inspections and audits of businesses)
- Introduced to improve the consistency and effectiveness of controls across the EU and, as a consequence, raise standards of consumer protection and facilitate international trade
- It also establishes a framework for financing official controls

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Post-implementation review

- Analysis (2009) showed that:
  - The Regulation had been successful at establishing an harmonised framework for official controls at EU level
  - Changes were necessary in a number of areas to consolidate the integrated approach to controls
- Difficulties and inequities across Member States in financing official controls

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Objectives of new Regulation

- Comprehensive and consistent approach along the agri-food chain
- Increased efficiency by moving to risk based controls in all sectors
- Reduce administrative burden
- Improved cross-border co-operation
- Improved transparency
- Adequate and sustainable level of resources

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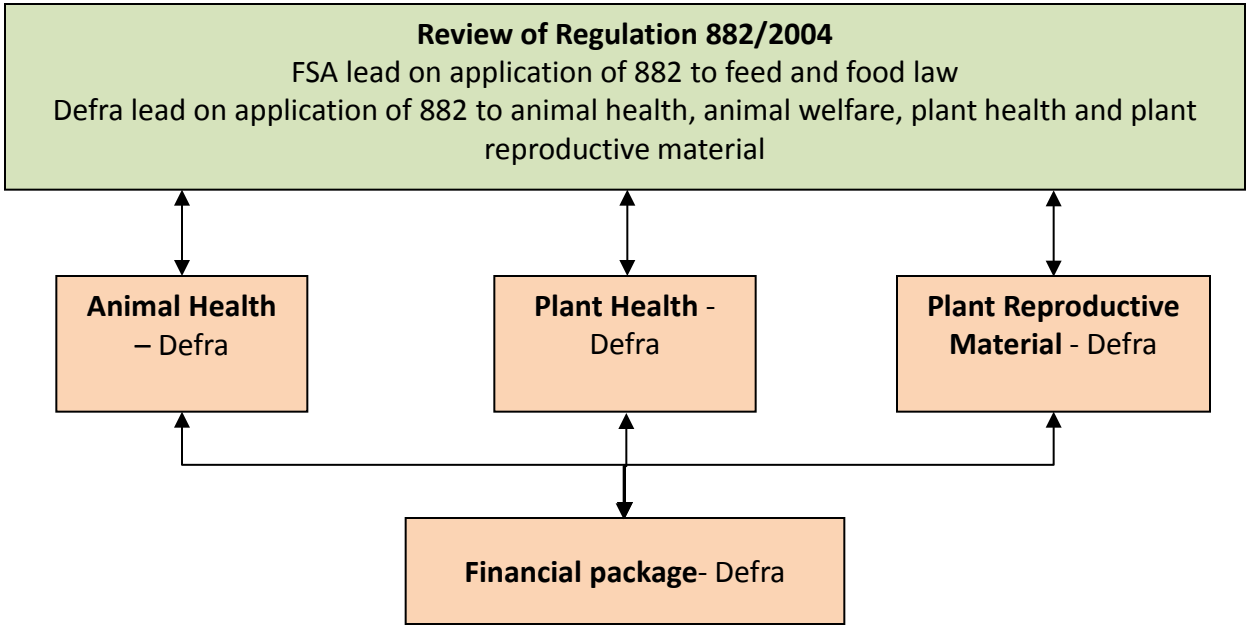
Smarter rules for safer food

How the five elements of the package fit together



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Impact

- Whole agri-food chain covered
  - Food and feed
  - Animal health and welfare
  - Animal by-products
  - Residues and plant protective products
  - GMOs
  - Plant health and plant reproductive materials
  - Organic and protected geographical status
- The proposal won’t change the official controls that are currently delivered, but will change how Member States approach official control delivery.

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Importers - PHAs

- Common set of rules applicable to all checks carried out at borders on animals, products of animal origin, plants and other products Minimum requirements for facilities, equipment, etc. at border control posts
- One Common Health Entry Document that importers will use to notify authorities of the arrival of consignments.
- A common IT system (TRACES) will be used to track the movement of animals, products of animal origin and products of plant origin

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Laboratories

- More flexibility will be introduced regarding the accreditation requirement to ISO standards for labs that carry out analysis for official control purposes.
  - temporary designation to deal with emergency situations
- Permanent exemption from the accreditation requirements for small laboratories attached to business operators' premises, such as *Trichinella* laboratories attached to slaughterhouses
- New obligation for laboratories that carry out plant health tests to be accredited and audited

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Local authorities

- The risk based approach to controls is maintained
- Official controls to be carried out as much as possible in a manner that minimises the burden on businesses.
- Enforcement authorities will need to provide businesses with a copy of their report on official controls, both in case of non-compliance or compliance with the law.
- To reinforce transparency, new rules will establish the minimum level of information about official controls that must be made public.
- More stringent requirements will be set out to issue official certification, and it will be clarified that those requirements will apply to official certification necessary for exporting goods to a third country.

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Central Government

- A requirement for Member States to lay down rules in order to enforce the Regulation by way of effective, proportionate and dissuasive penalties.
- A strengthening of the requirement to provide administrative assistance to other Member States where necessary to ensure the efficiency of controls in cross-border non compliances
- New provisions detailing actions to be taken where there is the suspicion of non-compliance in order to confirm or eliminate the suspicion or doubt
- Coordination by the Commission of measures and actions to be taken where non-compliance might have ramifications in more than one Member State
- New EU information management system for official controls (IMSOC)

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Delegated and implementing acts

- The proposal includes a significant number of delegated (44) and implementing (38) acts, examples of which are;
  - Delegated acts to supplement the provisions of the proposed Regulation and lay down additional rules for carrying out official controls in specific sectors, establish minimum frequency of certain controls and additional tasks and responsibilities of the competent authorities
  - Implementing acts to establish standard model forms to provide information to the Commission or other Member States and detailed rules for approving pre-export controls
- The FSA and other Government departments are carefully considering whether the proposed use of delegated and implementing acts is actually justified and needed, and whether it is in line with the EU's scope of competence.

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Charging

- Introduction of mandatory charging and the requirement that Member States recover the full cost of official controls
  - Removal of the minimum charges for certain official controls such as meat, fishery products, dairy and imports

- Mandatory exemption for micro businesses, defined as those businesses that employ less than 10 people and with an annual turnover/balance sheet of less than €2m.
  - Exemption wouldn’t apply to additional official controls carried out following detection of non-compliance.

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Next steps

- European negotiations began in July
- An impact assessment is being prepared in order to publically consult on the proposed changes and their impacts. The consultation, due in the summer, will form part of the evidence base for the UK position on the proposal.
- Negotiation likely to last until after the European Parliamentary elections in June 2014

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Future Imports issues

Benefits to look for:

- BIP/DPE/DPI to become BCP – Border Control Post simplifying the points of entry to the UK/EU
- Listing of BCPs to become the responsibility of the Member State, only new BCPs will require a pre-visit and approval of the FVO facilitating easy changes with a BCP
- Use of the Commission's web based data collection system TRACES for all food/animal sectors facilitating a central data base for Member States, access to real time data and minimising returns requirements to the Commission who would hold all MS data centrally
- Digitally signed electronic health certification, replacing requirement for original documentation and delivering a real anti-fraud measure

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Future Imports issues

Cont;d

- Risk based physical checks at UK/EU Borders using data risk based analysis of TRACES, Rasff, FVO Reports and Re-enforced Checks information. This will replace the current random system of checks in Decision 94/360/EC and FSA looking to deliver early in National Monitoring Plan in looking to pilot an EU system

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Official Controls - Imports:

Any Questions

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