

Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 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, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation) (Text with EEA relevance)

## TITLE VII

### ENFORCEMENT ACTION

#### CHAPTER I

##### *Actions by the competent authorities and penalties*

##### *Article 138*

##### **Actions in the event of established non-compliance**

- 1 Where the non-compliance is established, the competent authorities shall take:
- a any action necessary to determine the origin and extent of the non-compliance and to establish the operator's responsibilities; and
  - b appropriate measures to ensure that the operator concerned remedies the non-compliance and prevents further occurrences of such non-compliance.

When deciding which measures to take, the competent authorities shall take account of the nature of that non-compliance and the operator's past record with regard to compliance.

- 2 When acting in accordance with paragraph 1 of this Article, competent authorities shall take any measure they deem appropriate to ensure compliance with the rules referred to in Article 1(2), including, but not limited, to the following:
- a order or perform treatments on animals;
  - b order the unloading, transfer to another means of transport, holding and care of animals, quarantine periods, the postponement of the slaughter of animals, and, if necessary, order that veterinary assistance be sought;
  - c order treatments on goods, the alteration of labels or corrective information to be provided to consumers;

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**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EU) 2017/625 of the European Parliament and of the Council, Article 138. (See end of Document for details)

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- d restrict or prohibit the placing on the market, the movement, the entry into [<sup>F1</sup>Great Britain] or the export of animals and goods; and prohibit [<sup>F2</sup>, or order their return to, the country of dispatch];
  - e order the operator to increase the frequency of own controls;
  - f order certain activities of the operator concerned to be subject to increased or systematic official controls;
  - g order the recall, withdrawal, removal and destruction of goods, authorising, where appropriate, the use of the goods for purposes other than those for which they were originally intended;
  - h order the isolation or closure, for an appropriate period of time, of all or part of the business of the operator concerned, or its establishments, holdings or other premises;
  - i order the cessation for an appropriate period of time of all or part of the activities of the operator concerned and, where relevant, of the internet sites it operates or employs;
  - j order the suspension or withdrawal of the registration or approval of the establishment, plant, holding or means of transport concerned, of the authorisation of a transporter or of the certificate of competence of the driver;
  - k order the slaughter or killing of animals provided that this is the most appropriate measure to safeguard human health as well as animal health and welfare.
- 3 The competent authorities shall provide the operator concerned, or its representative, with:
- a written notification of their decision concerning the action or measure to be taken in accordance with paragraphs 1 and 2, together with the reasons for that decision; and
  - b information on any right of appeal against such decisions and on the applicable procedure and time limits with respect to such right of appeal.
- 4 All expenditure incurred under this Article shall be borne by the responsible operators.
- 5 The competent authorities, in the case of issuance of false or misleading official certificates or in the case of abuse of official certificates, shall take appropriate measures, including:
- a the temporary suspension of the certifying officer from its duties;
  - b the withdrawal of the authorisation to sign official certificates;
  - c any other measure to prevent a reoccurrence of the offences referred to in Article 89(2).

#### Textual Amendments

- F1** Words in Art. 138(2)(d) substituted (31.12.2020) by [The Official Controls \(Animals, Feed and Food, Plant Health etc.\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1481\)](#), regs. 1, **25(1)(a)** (with reg. 46)
- F2** Words in Art. 138(2)(d) substituted (31.12.2020) by [The Official Controls \(Animals, Feed and Food, Plant Health etc.\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1481\)](#), regs. 1, **25(1)(b)** (with reg. 46)

**Changes to legislation:**

There are currently no known outstanding effects for the Regulation (EU) 2017/625 of the European Parliament and of the Council, Article 138.