

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 II

OFFICIAL CONTROLS AND OTHER OFFICIAL ACTIVITIES IN MEMBER STATES

CHAPTER III

Delegation of certain tasks of the competent authorities

Article 28

Delegation by the competent authorities of certain official control tasks

1 Competent authorities may delegate certain official control tasks to one or more delegated bodies or natural persons in accordance with the conditions provided for in Articles 29 and 30 respectively. The competent authority shall ensure that the delegated body or natural person, to which such tasks have been delegated, have the powers needed to effectively perform these tasks.

2 Where a competent authority or a Member State decides to delegate certain official control tasks for the verification of compliance with the rules referred to in point (i) of Article 1(2) to one or more delegated bodies, it shall attribute a code number to each delegated body, and shall designate relevant authorities responsible for their approval and supervision.

Article 29

Conditions for delegating certain official control tasks to delegated bodies

The delegation of certain official control tasks to a delegated body referred to in Article 28(1) shall be in writing and shall comply with the following conditions:

- (a) the delegation contains a precise description of those official control tasks that the delegated body may perform, and the conditions under which it may perform those tasks;

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- (b) the delegated body:
 - (i) has the expertise, equipment and infrastructure required to perform those official control tasks delegated to it;
 - (ii) has a sufficient number of suitably qualified and experienced staff;
 - (iii) is impartial and free from any conflict of interest and in particular is not in a situation which may, directly or indirectly, affect the impartiality of its professional conduct as regards the performance of those official control tasks delegated to it;
 - (iv) works and is accredited in accordance with standards relevant to the delegated tasks in question, including standard EN ISO/IEC 17020 'Requirements for the operation of various types of bodies performing inspection';
 - (v) has sufficient powers to perform the official control tasks delegated to it; and
- (c) there are arrangements in place ensuring efficient and effective coordination between the delegating competent authorities and the delegated body.

Article 30

Conditions for delegating certain official control tasks to natural persons

Competent authorities may delegate certain official control tasks to one or more natural persons, where the rules provided for in Articles 18 to 27 so allow. Such delegation shall be in writing and shall comply with the following conditions:

- (a) the delegation contains a precise description of those official control tasks that the natural persons may perform and the conditions under which the natural persons may perform those tasks;
- (b) the natural persons:
 - (i) have the expertise, equipment and infrastructure required to perform those official control tasks delegated to them;
 - (ii) are suitably qualified and experienced;
 - (iii) act impartially and are free from any conflict of interest as regards the exercise of those official control tasks delegated to them; and
- (c) there are arrangements in place ensuring efficient and effective coordination between the delegating competent authorities and the natural persons.

Article 31

Conditions for delegating certain tasks related to other official activities

1 The competent authorities may delegate certain tasks related to other official activities to one or more delegated bodies subject to compliance with the following conditions:

- a the rules referred to in Article 1(2) do not prohibit such delegation; and

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- b the conditions laid down in Article 29 are fulfilled with the exception of that laid down in point (b)(iv).

2 The competent authorities may delegate certain tasks related to other official activities to one or more natural persons subject to compliance with the following conditions:

- a the rules referred to in Article 1(2) allow such delegation; and
- b the conditions laid down in Article 30, applied *mutatis mutandis*, are fulfilled.

3 Competent authorities shall not delegate to a delegated body or to a natural person the decision concerning the tasks provided for in point (b) of Article 138(1) and in Article 138(2) and (3).

Article 32

Obligations of the delegated bodies and natural persons

Delegated bodies or natural persons to which certain official control tasks have been delegated in accordance with Article 28(1), or certain tasks related to other official activities have been delegated in accordance with Article 31, shall:

- (a) communicate the outcome of the official controls and other official activities performed by them to the delegating competent authorities on a regular basis and whenever those competent authorities so request;
- (b) immediately inform the delegating competent authorities whenever the outcome of the official controls indicate non-compliance or point to the likelihood of non-compliance, unless specific arrangements established between the competent authority and the delegated body or the natural person concerned provides otherwise; and
- (c) give competent authorities access to their premises and facilities and cooperate and provide assistance.

Article 33

Obligations of the delegating competent authorities

Competent authorities that have delegated certain official control tasks to delegated bodies or natural persons in accordance with Article 28(1), or certain tasks related to other official activities to delegated bodies or natural persons in accordance with Article 31, shall:

- (a) organise audits or inspections of such bodies or persons, as necessary and avoiding duplication, taking into account any accreditation referred to in point (b)(iv) of Article 29;
- (b) fully or partly withdraw the delegation without delay where:
 - (i) there is evidence that such a delegated body or natural person is failing to properly perform the tasks delegated to it;
 - (ii) the delegated body or the natural person fails to take appropriate and timely action to remedy the shortcomings identified; or
 - (iii) the independence or impartiality of the delegated body or natural person has been shown to be compromised.

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This point shall be without prejudice to the competence of the competent authorities to withdraw the delegation for reasons other than those referred to in this Regulation.

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