

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 <sup>F1</sup>...

#### CHAPTER V

#### *Official controls on animals and goods entering [<sup>F1</sup>Great Britain]*

#### *Section IV*

#### *Approval of the pre-export controls*

#### *Article 73*

#### **Approval of pre-export controls performed by third countries**

1 The [<sup>F1</sup>appropriate authority may make regulations approving,] upon request of a third country, specific pre-export controls that that third country carries out on consignments of animals and goods prior to export to [<sup>F2</sup>Great Britain] with a view to verifying that the exported consignments satisfy the requirements of the rules referred to in Article 1(2). Such approval shall only apply to consignments originating in the third country concerned and may be granted for one or more categories of animals or goods. <sup>F3</sup>...

- 2 The approval provided for in paragraph 1 shall specify:
- a the maximum frequency of official controls to be performed by the competent authorities [<sup>F4</sup>on] entry of the consignments into [<sup>F2</sup>Great Britain], where there is no reason to suspect non-compliance with the rules referred to in Article 1(2) or fraudulent or deceptive practices;
  - b the official certificates that must accompany consignments entering [<sup>F2</sup>Great Britain];
  - c a model for the certificates referred to in point (b) [<sup>F5</sup>, including, but not limited to, the publication of such certificates online in the form specified by the appropriate authority, as amended from time to time;]

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- d the competent authorities of the third country under the responsibility of which pre-export controls must be performed; and
- e where appropriate, any delegated body to which those competent authorities may delegate certain tasks. Such delegation may only be approved if it meets the criteria set out in Articles 28 to 33 or equivalent conditions.
- 3 The approval provided for in paragraph 1 of this Article may only be granted to a third country if the evidence available and, where appropriate, a <sup>F6</sup>... control performed in accordance with Article 120, demonstrate that the system of official controls in that third country is able to ensure that:
- a the consignments of the animals or goods exported to [<sup>F2</sup>Great Britain] meet the requirements of the rules referred to in Article 1(2), or equivalent requirements; and
- b the controls performed in the third country prior to dispatch to [<sup>F2</sup>Great Britain] are sufficiently effective to replace or reduce the frequency of the documentary, identity checks and physical checks laid down in the rules referred to in Article 1(2).
- 4 The competent authorities or a delegated body specified in the approval shall:
- a be responsible for contacts with [<sup>F2</sup>Great Britain]; and
- b ensure that the official certificates referred to in point (b) of paragraph 2 accompany each consignment that is controlled.
- 5 The [<sup>F7</sup>appropriate authority may make regulations laying] down detailed rules and criteria for approving pre-export controls performed by third countries in accordance with paragraph 1 of this Article and for official controls performed by the competent authorities of the [<sup>F8</sup>constituent territories of Great Britain] on animals and goods subject to the approval referred in that paragraph. <sup>F9</sup>...

#### Textual Amendments

- F1** Words in Art. 73(1) 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, **13(1)(b)(i)** (with reg. 46)
- F2** Words in Art. 73 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, **13(1)(a)** (with reg. 46)
- F3** Words in Art. 73(1) omitted (31.12.2020) by virtue of The Official Controls (Animals, Feed and Food, Plant Health etc.) (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1481), regs. 1, **13(1)(b)(ii)** (with reg. 46)
- F4** Word in Art. 73(2)(a) 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, **13(1)(c)(i)** (with reg. 46)
- F5** Words in Art. 73(2)(c) inserted (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, **13(1)(c)(ii)** (with reg. 46)
- F6** Word in Art. 73(3) omitted (31.12.2020) by virtue of The Official Controls (Animals, Feed and Food, Plant Health etc.) (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1481), regs. 1, **13(1)(d)** (with reg. 46)
- F7** Words in Art. 73(5) 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, **13(1)(e)(i)** (with reg. 46)
- F8** Words in Art. 73(5) 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, **13(1)(e)(ii)** (with reg. 46)

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- F9** Words in Art. 73(5) omitted (31.12.2020) by virtue of The Official Controls (Animals, Feed and Food, Plant Health etc.) (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1481), regs. 1, **13(1)(e)(iii)** (with reg. 46)

#### Article 74

### Non-compliance with, and withdrawal of, the approval of pre-export controls performed by third countries

1 When official controls on consignments of categories of animal and goods in respect of which specific pre-export controls have been approved in accordance with Article 73(1) reveal serious and recurrent non-compliance with the rules referred to in Article 1(2), [<sup>F10</sup>the competent authorities] shall immediately:

- a notify the [<sup>F11</sup>other competent authorities in the British Islands] and operators concerned via the [<sup>F12</sup>appropriate computerised information management system] in addition to seeking administrative assistance in accordance with the procedures established in Articles 102 to [<sup>F13</sup>107]; and
- b increase the number of official controls on consignments from the relevant third country and, where necessary to allow a proper analytical examination of the situation, keep an appropriate number of samples under appropriate storage conditions.

2 The [<sup>F14</sup>appropriate authority may, by regulations], withdraw the approval provided for in Article 73(1) where, following the official controls referred to in paragraph 1 of this Article, there are indications that the requirements laid down in Article 73(3) and (4) are no longer being met. <sup>F15</sup>...

#### Textual Amendments

- F10** Words in Art. 74(1) 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, **13(2)(a)(i)** (with reg. 46)
- F11** Words in Art. 74(1)(a) 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, **13(2)(a)(ii)(aa)** (with reg. 46)
- F12** Words in Art. 74(1)(a) 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, **13(2)(a)(ii)(bb)** (with reg. 46)
- F13** Word in Art. 74(1)(a) 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, **13(2)(a)(ii)(cc)** (with reg. 46)
- F14** Words in Art. 74(2) 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, **13(2)(b)(i)** (with reg. 46)
- F15** Words in Art. 74(2) omitted (31.12.2020) by virtue of The Official Controls (Animals, Feed and Food, Plant Health etc.) (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1481), regs. 1, **13(2)(b)(ii)** (with reg. 46)

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**Changes to legislation:**

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