

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 VI

##### *Financing of official controls and of other official activities*

###### *Article 78*

###### **General rules**

- 1 <sup>[F1</sup>The appropriate authority] shall ensure that adequate financial resources are available to provide the staff and other resources necessary for the competent authorities to perform official controls and other official activities.
- 2 This Chapter also applies in the case of delegation of certain official control tasks and other official activities in accordance with Articles 28 and 31.

#### **Textual Amendments**

- F1** Words in [Art. 78\(1\)](#) 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, **16(1)** (with reg. 46)

###### *Article 79*

###### **Mandatory fees or charges**

- 1 The competent authorities shall collect fees or charges for the official controls performed in relation to the activities referred to in Chapter II of Annex IV and on animals and goods referred to in points (a), (b) and (c) of Article 47(1), at border control posts or at control points referred to in point (a) of Article 53(1), either;
  - a at the level of the cost calculated in accordance with Article 82(1); or

*Status: Point in time view as at 30/07/2021.*

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

b at the amounts provided for in Annex IV.

2 The competent authorities shall collect fees or charges to recover the costs they incur in relation to:

- a official controls performed on animals and goods referred to in points (d), (e) and (f) of Article 47(1);
- b official controls performed at the request of the operator, to obtain the approval provided for in Article 10 of Regulation (EC) No 183/2005;
- c official controls which were not originally planned, and which;
  - (i) have become necessary following the detection of a case of non-compliance by the same operator, during an official control performed in accordance with this Regulation; and
  - (ii) are performed to assess the extent and the impact of the case of non-compliance or to verify that the non-compliance has been remedied.

3 Notwithstanding paragraphs 1 and 2, [<sup>F2</sup>competent authorities] may, in relation to the activities referred to in Chapter II of Annex IV, on an objective and non-discriminatory basis, reduce the amount of the fees or charges, taking into account:

- a the interests of operators with a low throughput;
- b the traditional methods used for production, processing and distribution;
- c the needs of operators located in regions subject to specific geographical constraints; and
- d the operators' record of compliance with the relevant rules referred to in Article 1(2) as ascertained through official controls.

4 [<sup>F3</sup>Competent authorities] may decide that fees and charges calculated in accordance with point (b) of Article 82(1) shall not be collected below the amount at which, taking into account the cost of collection and the overall income expected from the fees and charges, the collection of that fee or charge would be uneconomical.

5 This Article shall not apply to official controls performed to verify compliance with the rules referred to in points (i) and (j) of Article 1(2).

#### Textual Amendments

- F2** Words in Art. 79(3) 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, **16(2)(a)** (with reg. 46)
- F3** Words in Art. 79(4) 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, **16(2)(b)** (with reg. 46)

#### Article 80

#### Other fees or charges

[<sup>F4</sup>Competent authorities] may collect fees or charges to cover the costs of official controls and other official activities other than those fees or charges referred to in Article 79, unless prohibited by the legislative provisions applicable in the areas governed by the rules referred to in Article 1(2).

*Status: Point in time view as at 30/07/2021.*

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

### Textual Amendments

- F4** Words in Art. 80 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, **16(3)** (with reg. 46)

## Article 81

### Costs

The fees or charges to be collected in accordance with point (a) of Article 79(1) and with Article 79(2) shall be determined on the basis of the following costs, insofar as these result from the official controls concerned:

- (a) the salaries of the staff, including support and administrative staff, involved in the performance of official controls, their social security, pension and insurance costs;
- (b) the cost of facilities and equipment, including maintenance and insurance costs and other associated costs;
- (c) the cost of consumables and tools;
- (d) the cost of services charged to the competent authorities by delegated bodies for official controls delegated to these delegated bodies;
- (e) the cost of training of the staff referred to in point (a), with the exclusion of the training necessary to obtain the qualification necessary to be employed by the competent authorities;
- (f) the cost of travel of the staff referred to in point (a), and associated subsistence costs;
- (g) the cost of sampling and of laboratory analysis, testing and diagnosis charged by official laboratories for those tasks.

## Article 82

### Calculation of fees or charges

1 Fees or charges collected in accordance with point (a) of Article 79(1) and with Article 79(2) shall be established in accordance with one of the following methods of calculation or a combination of them:

- a at a flat-rate on the basis of the overall costs of official controls borne by the competent authorities over a given period of time, and applied to all operators irrespective of whether any official control is performed during the reference period in relation to each operator charged; in establishing the level of the fees to be charged for each sector, activity and category of operators, the competent authorities shall take into consideration the impact that the type and the size of the activity concerned, and the relevant risk factors, have on the distribution of the overall costs of those official controls; or
- b on the basis of the calculation of the actual costs of each individual official control, and applied to the operators subject to such official control.

2 Travel costs as referred to in point (f) of Article 81 shall be considered for the calculation of the fees or charges referred to in point (a) of Article 79(1) and in Article 79(2)

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in a manner that does not discriminate between operators on the basis of the distance of their premises from the location of the competent authorities.

3 Where fees or charges are calculated in accordance with point (a) of paragraph 1, the fees or charges collected by competent authorities shall not exceed the overall costs incurred for the official controls performed over the period of time referred to therein.

4 Where fees or charges are calculated in accordance with point (b) of paragraph 1, they shall not exceed the actual cost of the official control performed.

### Article 83

#### Collection and application of fees or charges

1 An operator shall only be charged with a fee or charge for an official control and for another official activity performed on the basis of a complaint if that control leads to the confirmation of non-compliance.

2 Fees or charges collected in accordance with Articles 79 and 80 shall not be directly or indirectly refunded, unless unduly collected.

3 <sup>[F5]</sup>Competent authorities] may decide that fees or charges shall be collected by authorities other than the competent authorities or by delegated bodies.

#### Textual Amendments

**F5** Words in Art. 83(3) 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, **16(4)** (with reg. 46)

### Article 84

#### Payment of fees or charges

1 The competent authorities shall ensure that the operators receive, upon request, proof of payment of fees or charges in the event that the operators do not otherwise have access to such proof.

2 Fees or charges collected in accordance with Article 79(1) shall be paid by the operator responsible for the consignment or its representative.

### Article 85

#### Transparency

- 1 <sup>[F6]</sup>Competent authorities] shall ensure a high level of transparency on:
- a the fees or charges provided for in point (a) of Article 79(1), Article 79(2) and Article 80, namely on:
    - (i) the method and data used to establish these fees or charges;
    - (ii) the amount of the fees or charges, applied to each category of operators and for each category of official controls or other official activities;

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- (iii) the breakdown of the costs, as referred to in Article 81;
  - b the identity of the authorities or bodies responsible for the collection of the fees or charges.
- 2 Each competent authority shall make available to the public the information referred to in paragraph 1 of this Article for each reference period and the costs to the competent authority for which a fee or charge is due in accordance with point (a) of Article 79(1), Article 79(2) and Article 80.
- 3 [<sup>F7</sup>Competent authorities] shall consult relevant stakeholders on the general methods used to calculate the fees or charges provided for in point (a) of Article 79(1), Article 79(2) and Article 80.

#### Textual Amendments

- F6** Words in Art. 85(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, **16(5)** (with reg. 46)
- F7** Words in Art. 85(3) 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, **16(5)** (with reg. 46)

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