

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 VI **U.K.**

**UNION ACTIVITIES**

*CHAPTER I* **U.K.**

***Commission controls***

*Article 116* **U.K.**

**Commission controls in Member States**

- 1 Commission experts shall perform controls, including audits, in each Member State to:
  - a verify the application of the rules referred to in Article 1(2) and those provided for in this Regulation;
  - b verify the functioning of national control systems in the areas governed by the rules referred to in Article 1(2) and those provided for in this Regulation, and of the competent authorities which operate them;
  - c investigate and collect information:
    - (i) on official controls and enforcement practices in the areas governed by the rules referred to in Article 1(2) and those provided for in this Regulation;
    - (ii) on important or recurring problems with the application or enforcement of the rules referred to in Article 1(2);
    - (iii) in relation to emergency situations, emerging problems or new developments in the Member States in the areas governed by the rules referred to in Article 1(2) and those provided for in this Regulation.
- 2 The controls provided for in paragraph 1 shall be organised in cooperation with the competent authorities of the Member States and shall be performed on a regular basis.

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*Status: Point in time view as at 31/01/2020.*

*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 I. (See end of Document for details)*

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3 The controls provided for in paragraph 1 may include on-the-spot verifications. The Commission experts may accompany the staff of the competent authorities performing official controls.

4 Experts from the Member States may assist the Commission experts. National experts accompanying Commission experts shall be given the same rights of access as the Commission experts.

#### Article 117 **U.K.**

### Reports by the Commission on controls in Member States

The Commission shall:

- (a) prepare a draft report on the findings and on recommendations addressing the shortcomings identified by its experts during controls performed in accordance with Article 116(1);
- (b) send to the Member State where those controls have been performed a copy of the draft report provided for in point (a) for its comments;
- (c) take the comments of the Member State referred to in point (b) into account in preparing the final report on the findings of the controls performed by its experts in the Member States as provided for in Article 116(1); and
- (d) make publicly available the final report referred to in point (c) and the comments of the Member State referred to in point (b).

#### Article 118 **U.K.**

### Programme of the Commission controls in Member States

- 1 The Commission shall, by means of implementing acts:
  - a establish an annual or multiannual control programme for the controls to be performed by its experts in the Member States as provided for in Article 116(1); and
  - b by the end of each year, communicate to the Member States the annual control programme or any update to the multiannual control programme for the following year.
- 2 The Commission may, by means of implementing acts, amend its control programme to take account of developments in the areas governed by the rules referred to in Article 1(2). Any such amendment shall be communicated without delay to the Member States.

#### Article 119 **U.K.**

### Obligations of the Member States as regards Commission controls

Member States shall:

- (a) take appropriate follow-up measures to remedy any specific or systemic shortcomings identified through the controls performed by the Commission experts in accordance with Article 116(1);
- (b) give the necessary technical assistance and provide the available documentation, including the results of the audits referred to in Article 6, upon justified request, and

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- other technical support that Commission experts request to enable them to perform controls efficiently and effectively; and
- (c) give the necessary assistance to ensure that the Commission experts have access to all premises or parts of premises, animals and goods, and to information, including computing systems, relevant for the execution of their duties.

## Article 120 **U.K.**

### Commission controls in third countries

- 1 Commission experts may perform controls in third countries in order to:
- a verify the compliance or equivalence of third-country legislation and systems, including official certification and the issuance of official certificates, official labels, official marks and other official attestations, with the requirements laid down in the rules referred to in Article 1(2);
  - b verify the capacity of the third country control system to ensure that consignments of animals and goods exported to the Union comply with relevant requirements established by the rules referred to in Article 1(2) or with requirements recognised to be at least equivalent thereto;
  - c collect information and data to elucidate the causes of recurring or emerging problems in relation to exports of animals and goods from a third country.
- 2 The controls provided for in paragraph 1 shall have particular regard to:
- a the legislation of the third country;
  - b the organisation of the third country's competent authorities, their powers and independence, the supervision to which they are subject and the authority they have to enforce the applicable legislation effectively;
  - c the training of staff of the competent authority of the third country in the performance of official controls;
  - d the resources including analytical, testing and diagnostic facilities available to competent authorities;
  - e the existence and operation of documented control procedures and control systems based on priorities;
  - f where applicable, the situation regarding animal health, animal welfare, zoonoses and plant health, and procedures for notifying the Commission and relevant international bodies of outbreaks of animal diseases and pests of plants;
  - g the extent and operation of controls performed by the competent authority of the third country on animals, plants and their products arriving from other third countries; and
  - h the assurances which the third country can give regarding compliance with, or equivalence to, the requirements laid down in the rules referred to in Article 1(2).
- 3 In order to facilitate the efficiency and effectiveness of the controls provided for in paragraph 1, the Commission may, prior to performing such controls, request that the third country concerned provide:
- a the necessary information referred to in Article 125(1); and
  - b where appropriate and necessary, the written records on the controls its competent authorities perform.
- 4 The Commission may appoint experts from Member States to assist its own experts during the controls provided for in paragraph 1.

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## Article 121 **U.K.**

### Frequency of Commission controls in third countries

The frequency of Commission controls in third countries referred to in Article 120 shall be determined on the basis of the following criteria:

- (a) a risk assessment of the animals and goods exported to the Union from the third country concerned;
- (b) the rules referred to in Article 1(2);
- (c) the volume and nature of animals and goods entering the Union from the third country concerned;
- (d) the outcome of controls already performed by the Commission experts or by other inspection bodies;
- (e) the outcome of official controls on animals and goods entering the Union from the third country concerned and of any other official controls that competent authorities of Member States have performed;
- (f) information received from the EFSA or similar bodies;
- (g) information received from internationally recognised bodies such as:
  - (i) the World Health Organization;
  - (ii) the Codex Alimentarius Commission;
  - (iii) the World Organization for Animal Health (OIE);
  - (iv) European and Mediterranean Plant Protection Organization and any other regional plant protection organisations established under the International Plant Protection Convention (IPPC);
  - (v) the secretariat of the IPPC;
  - (vi) Organisation for Economic Co-operation and Development;
  - (vii) United Nations Economic Commission for Europe;
  - (viii) the secretariat of the Cartagena Protocol on Biosafety to the Convention on Biological Biodiversity;
- (h) evidence of emerging disease situations or other circumstances that might result in animals and goods entering the Union from a third country presenting health or environmental risks or a risk of fraudulent or deceptive practices;
- (i) the need to investigate or respond to emergency situations in individual third countries.

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## Article 122 **U.K.**

### **Reports by the Commission on controls in third countries**

The Commission shall report on the findings of each control performed in accordance with Articles 120 and 121. Its report shall, where appropriate, contain recommendations.

The Commission shall make its reports publicly available.

## Article 123 **U.K.**

### **Programme of the Commission controls in third countries**

The Commission shall communicate its programme of controls in third countries to Member States in advance and shall report on the results. The Commission may amend that programme to take account of developments in the areas governed by the rules referred to in Article 1(2). Any such amendment shall be communicated to the Member States in advance.

## Article 124 **U.K.**

### **Third-country controls in Member States**

1 Member States shall inform the Commission of planned controls in the areas governed by the rules referred to in Article 1(2) on their territory, by the competent authorities of third countries.

2 Commission experts may participate in the controls referred to in paragraph 1, at the request of the competent authorities of Member States where those controls are being performed.

3 The participation by Commission experts in the controls referred to in paragraph 1 shall serve in particular to:

- a provide advice on the rules referred to in Article 1(2);
- b provide information and data available at Union level that may be useful for the control performed by the competent authorities of the third country;
- c facilitate consistency and uniformity with regard to controls performed by the competent authorities of third countries in different Member States.

**Status:**

Point in time view as at 31/01/2020.

**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 I.