

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 ^{F1}...

CHAPTER V

Official controls on animals and goods entering [^{F1}Great Britain]

Section I

Animals and goods other than those subject to official controls at border control posts under section II

Article 44

Official controls on animals and goods other than those subject to official controls at border control posts under Section II

1 To ascertain compliance with the rules referred to in Article 1(2), the competent authorities shall perform official controls regularly, on a risk basis and with appropriate frequency, on animals and goods entering [^{F1}Great Britain] and to which Articles 47 and 48 do not apply.

2 On animals and goods referred to in paragraph 1 the appropriate frequency of the official controls shall be determined, taking into account:

- a the risks to human, animal or plant health, animal welfare or, as regards GMOs and plant protection products, also to the environment, associated with different types of animals and goods;
- b any information indicating the likelihood that consumers might be misled, in particular as to the nature, identity, properties, composition, quantity, durability, country of origin or place of provenance, method of manufacture or production of goods;
- c the history of compliance with the requirements established by the rules referred to in Article 1(2) applicable to the animals or goods concerned:

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- (i) of the third country and establishment of origin or place of production, as appropriate;
 - (ii) of the exporter;
 - (iii) of the operator responsible for the consignment;
- d the controls that have already been performed on the animals and goods concerned; and
- e the guarantees that the competent authorities of the third country of origin have given with regard to compliance of the animals and goods with the requirements established by the rules referred to in Article 1(2) or with requirements recognised to be at least equivalent thereto.
- 3 The official controls provided for in paragraph 1 shall be performed at an appropriate place within the customs territory of the [^{F2}United Kingdom], including:
- a the point of entry into [^{F3}Great Britain];
 - b a border control post;
 - c the point of release for free circulation in [^{F4}Great Britain];
 - d the warehouses and the premises of the operator responsible for the consignment;
 - e the place of destination.
- 4 Notwithstanding paragraphs 1 and 3, the competent authorities at border control posts and other points of entry into [^{F5}Great Britain] shall perform official controls on the following whenever they have reason to believe that their entry into [^{F5}Great Britain] may pose a risk to human, animal or plant health, animal welfare or, as regards GMOs and plant protection products, also to the environment:
- a means of transport, including where empty; and
 - b packaging, including pallets.
- 5 The competent authorities may also perform official controls on goods that are placed under one of the customs procedures defined in point (16)(a), (b) and (c) of Article 5 of Regulation (EU) No 952/2013 and in a temporary storage defined in point (17) of Article 5 of that Regulation.

Textual Amendments

- F1** Words in Art. 44(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, **10(1)(a)** (with reg. 46)
- F2** Words in Art. 44(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, **10(1)(b)** (with reg. 46)
- F3** Words in Art. 44(3)(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, **10(1)(a)** (with reg. 46)
- F4** Words in Art. 44(3)(c) 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, **10(1)(a)** (with reg. 46)
- F5** Words in Art. 44(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, **10(1)(a)** (with reg. 46)

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Article 45

Types of official controls on animals and goods other than those subject to official controls at border control posts under Section II

- 1 Where official controls are performed in accordance with Article 44(1), they shall:
 - a always include a documentary check; and
 - b include identity checks and physical checks depending on the risk to human, animal or plant health, animal welfare or, as regards GMOs and plant protection products, also to the environment.
- 2 The competent authorities shall carry out the physical checks referred to in point (b) of paragraph 1 under appropriate conditions allowing investigations to be conducted properly.
- 3 Where the documentary checks, identity checks or physical checks referred to in paragraph 1 of this Article show that animals and goods do not comply with the rules referred to in Article 1(2), Article 66(1), (3) and (5), Articles 67, 68, and 69, Article 71(1) and (2), Article 72(1) and (2), Articles 137 and 138 shall apply.
- 4 The [^{F6}appropriate authority may make regulations] to supplement this Regulation concerning the cases where and the conditions under which competent authorities may request operators to notify the arrival of certain goods entering [^{F7}Great Britain].

Textual Amendments

- F6** Words in Art. 45(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, **10(2)(a)** (with reg. 46)
- F7** Words in Art. 45(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, **10(2)(b)** (with reg. 46)

Article 46

Samples taken on animals and goods other than those subject to official controls at border control posts under Section II

- 1 Where samples on animals and goods are taken, the competent authorities shall, without prejudice to Articles 34 to 42:
 - a inform the operators concerned and, where appropriate, the customs authorities; and
 - b decide whether the animals or goods need to be detained pending the results of the analysis, test or diagnosis carried out, or whether they can be released provided that the traceability of the animals or goods is ensured.
- 2 The [^{F8}appropriate authority may make regulations to]:
 - a establish the procedures necessary to ensure the traceability of the animals or goods referred to in point (b) of paragraph 1; and
 - b identify the documents that must accompany the animals or goods referred to in paragraph 1 when samples have been taken by the competent authorities.

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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, Section I. (See end of Document for details)

Textual Amendments

- F8** Words in Art. 46(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, **10(3)(a)** (with reg. 46)
- F9** Words in Art. 46(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, **10(3)(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, Section I.