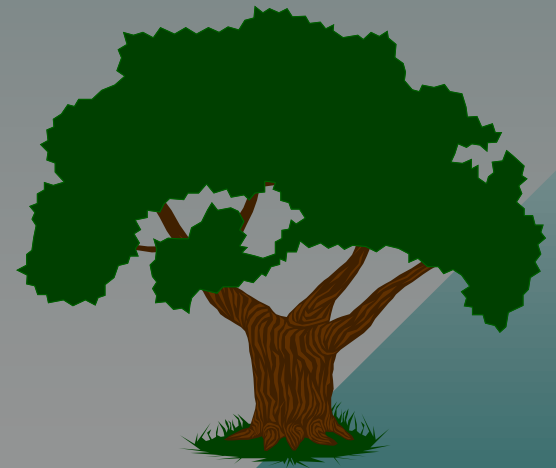


# New Regulation on Official Controls

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Proposal for a

# REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

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, plant reproductive material, plant protection products

and amending Regulations (EC) No 999/2001, 1829/2003, 1831/2003, 1/2005, 396/2005, 834/2007, 1099/2009, 1069/2009, 1107/2009, Regulations (EU) No 1151/2012, [....]/2013 [*Office of Publications, please insert number of Regulation laying down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material*], and Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC, 2008/120/EC and 2009/128/EC

**(Official Controls Regulation)**

# Official Controls Regulation (1)

## **Article 1** *Subject matter and scope*

*1. This Regulation lays down rules for:*

*a) the performance of official controls and other official activities performed by the competent authorities of MSs;...*

**2.** *This Regulation shall apply to the official controls performed for the verification of compliance with the following rules, whether established at Union level or by the Member States to apply Union legislation in those areas:...*

*i) laying down requirements for the placing on the market and use of plant protection products and the sustainable use of pesticides;*

# Official Controls Regulation (2)

***Article 22*** *Specific rules on official controls and on action to be taken by the competent authorities in relation to plant protection products*

**The Commission shall be empowered to adopt delegated acts** in accordance with Article 139 concerning rules for the performance of official controls to verify compliance with the rules referred to in **Article 1(2)(i).**

# Official Controls Regulation (3)

## *Article 22 ctnd.*

**Those delegated acts** shall take into account the risks that plant protection products may represent for human health, animal health or the environment, and shall lay down rules on:

(b) uniform specific requirements for the performance of official controls and uniform minimum frequency of such official controls, concerning the manufacture, placing on the market, entry into the Union, labelling, packaging, transport, storage and use of plant protection products, having regard, in addition to the criteria referred to in Article 8(1), to the need to ensure the safe and sustainable use of plant protection products and to combat illegal trade of such products;

# Official Controls Regulation (4)

## ***Article 22 ctnd.***

(c) uniform specific requirements for inspections on pesticide application equipment and uniform minimum frequency of such control;

(e) the design of certification systems to assist the competent authorities in the inspections of pesticide application equipment;

(f) the collection of information, monitoring and reporting on suspected poisonings from plant protection products;

(g) the collection of information, and the monitoring of and reporting on counterfeited plant protection products and illegal trade of plant protection products.

# Regulation No 1107/2009/EC

## Chapter VIII Controls

### Article 68 Monitoring and Controls:

#### FIRST SUBPARAGRAPH:

Member States shall carry out official controls in order to enforce compliance with this Regulation.

#### THIRD SUBPARAGRAPH:

A Regulation, adopted in accordance with the regulatory procedure with scrutiny referred to in Article 79(4), shall set out provisions for the controls, in particular on the production, packaging, labelling, storage, transport, marketing, formulation, parallel trade and use of plant protection products.

It shall also contain provisions concerning the collection of information and reporting on suspected poisonings.

# Official Controls Regulation (5)

## *Article 158*

### *Amendments to Regulation (EC) No 1107/2009*

**Article 68** of Regulation (EC) No 1107/2009 is amended as follows:

- the **first subparagraph is replaced** by the following:

„Member States shall finalise and submit to the Commission by 30 June each year a report on the scope and the results of the official controls performed in order to verify compliance with this Regulation.“;

- the **second and third paragraphs are deleted.**

# Official Controls Regulation (6)

## *Article 159*

### *Amendments to Directive 2009/128/EC and related transitional measures*

1. Directive 2009/128/EC is amended as follows:
  - (a) **in Article 8, paragraph 1, the second subparagraph of paragraph 2 and paragraphs 3, 4, 6 and 7 are deleted;**
  - (b) **Annex II is deleted.**

# Official Controls Regulation (7)

## *Article 159 ctnd.*

2. Paragraph 1, the second subparagraph of paragraph 2 and paragraphs 3, 4 and 6 of Article 8 and Annex II of Directive 2009/128/EC shall continue to apply until the date to be determined in the **delegated act to be adopted** in accordance with paragraph 3.
3. **The Commission shall be empowered to adopt delegated acts** in accordance to Article 139 concerning the date on which the provisions referred to in paragraph 2 shall no longer apply. That date shall be the date of the application of the corresponding rules to be established pursuant to the **delegated acts provided for in Article 22 of this Regulation.**

# Treaty on the Functioning of EU (1)

## *Article 290*

1. A legislative act may delegate to the Commission the power to adopt **non-legislative acts** of general application to supplement or amend **certain non-essential elements** of the legislative act.

The objectives, content, scope and duration of the delegation of power shall be explicitly defined in the legislative acts. **The essential elements** of an area shall be reserved for the legislative act and accordingly **shall not be the subject of a delegation of power.**

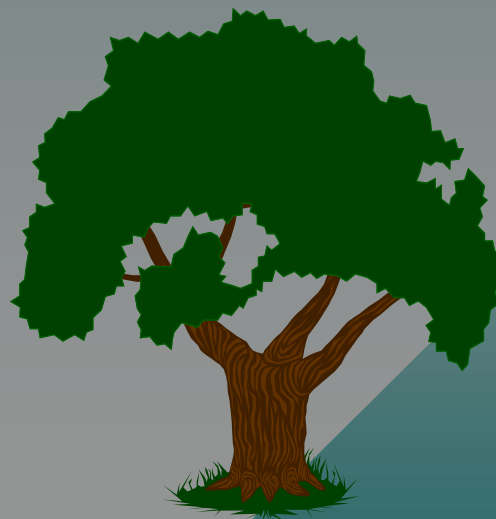
3. The adjective "**delegated**" shall be inserted in the title of **delegated acts.**

# Treaty on the Functioning of EU (2)

## *Article 291*

1. Member States shall adopt all measures of national law necessary to **implement legally binding Union acts**.
2. Where uniform conditions for implementing legally binding Union acts are needed, those acts shall confer **implementing powers on the Commission**, or, in duly justified specific cases and in the cases provided for in Articles 24 and 26 of the Treaty on European Union, on the Council.
4. The word "**implementing**" shall be inserted in the title of **implementing acts**.

# Thank you for your attention!



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