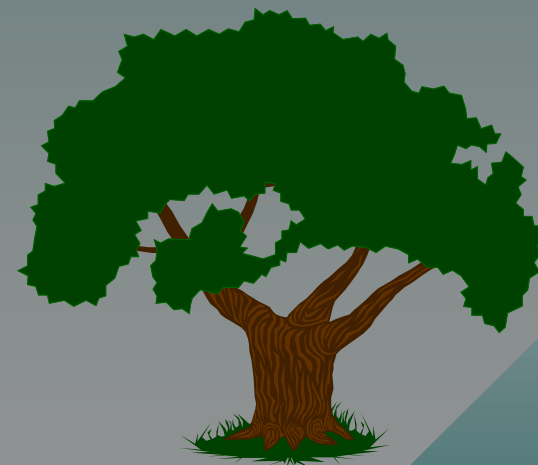


Current situation of the new Regulation on Official Controls

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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)

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.**

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.**

Codecision Procedure (1)

(Article 251 of the EC Treaty)

JOINT DECLARATION (of the European Parliament, the Council and the Commission) **ON PRACTICAL ARRANGEMENTS FOR THE CODECISION PROCEDURE**

(Article 251 of the EC Treaty)

(2007/C 145/02)

Official Journal of the European Union, OJ C 145,
30th June 2007

Cooperation between these three EU institutions in the context of **codecision** often takes the form of **tripartite meetings** (hereinafter '**trilogues**').

Codecision Procedure (2)

(Article 251 of the EC Treaty)

As the **codecision procedure in trilogues is very complicated** (parallel work in the institutions, three phases, three readings) for better understanding there was developed

CO-DECISION GUIDE

- 30 pages
- containing 3 flow charts (YES/NO „pathways“)
- containing 6 Annexes

Official Controls Regulation Stages

06/05/2013 - European Commission - legislative proposal

15/04/2014 - European Parliament - text adopted in the 1st reading

14/10/2015 - COREPER I agreement

26/10/2015 - Council of the European Union - expected formal agreement (ENVI)

Next steps:

Awaiting Council 1st reading position

Trilogue discussion with the European Parliament

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, with the exception of pesticides application equipment;

Official Controls Regulation (2)

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

3. *The Commission may, by means of implementing acts, lay down detailed rules for the performance of official controls on the products referred to in paragraph (1) in order to verify compliance with the Union rules referred to in **Article 1 (2) (i)** on:*

ctnd. on the next slide

Official Controls Regulation (3)

Article 22 ctnd.

(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 , where a minimum level of official control is necessary to respond to recognised uniform hazards and risks which might be posed by plant protection products, to ensure their safe and sustainable use and to combat their illegal trade;

ctnd. on the next slide

Official Controls Regulation (4)

Article 22 ctnd.

(c) the cases where the competent authorities in relation to specific non-compliances are to take one or more of the measures referred to in Articles 134(2) and 135(2);

(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 non-authorised plant protection products including illegal trade of plant protection products.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 141(2).

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
Regulation (EC) No 1107/2009 is amended as follows:

(a) Article 68 is amended as follows:

(i) the **first subparagraph is replaced** by the following:

*„Member States shall finalise and submit to the Commission by **31 August** each year a report, for the previous year, on the scope and the results of the official controls performed in order to verify compliance with this Regulation.“*

(ii) the **second and third paragraphs are deleted.**

(b) Point (n) of Article 78(1) is deleted.

Official Controls Regulation (6)

Article 159

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

(In the draft dealing with the control of the pesticides application equipment.)

Withdrawn from the draft of the Official Controls Regulation (text is deleted).

Thank you for your attention!

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