

Brussels, 11 December 2019

URGENT Letter

To the Director General of DG SANTE
Rue Breydel 4 / Breydelstraat 4
1040 Bruxelles / Brussel
Belgium
Sent by email

Subject: The implementation of the Official Controls Regulation and its accompanying legislation and systems

The reason for writing is to express our concern on the implementation of the Official Controls Regulation (OCR) which takes effect on 14 December 2019. Prior to setting out the issues for this urgent call, we would like to emphasize that CLECAT, the European Association for Forwarding, Transport, Logistics and Customs Services, has welcomed the Official Controls Regulation (OCR, 2017/625) and its accompanying legislation and systems. We have contributed to the consultation process with the industry through participation in the advisory group of DG SANTE and the public consultation. We are convinced that the OCR addresses the right issues to ensure the improved governance of the agri-food chain and more efficient controls, while at the same time facilitating legitimate trade.

In recent weeks, we have received expressions of serious concern from both our members as well as from EU Member States' authorities – including customs authorities - about the implementation of major parts of the OCR on 14 December 2019. There is a lack of clarity about the OCR implementation and a lack of readiness to apply its rules, especially concerning the IT-systems.

Our members, Freight Forwarders, Transport and Logistics Service Providers and Customs Brokers, play a crucial role in the transportation of goods and ensuring compliance with any kind of legislation relating to the importation and exportation of those goods. They handle more than 80% of customs clearance and other border formalities in the EU, including the formalities relating to food and feed law, rules on animal health and welfare, plant health and plant protection products. Over the past two years, we have continued to inform our members to the best extent possible on the implementation of the OCR and its accompanying legislation and IT systems.

CLECAT already expressed concern to DG SANTE over the implementation of major parts of the OCR on 14 December 2019. At that moment in time, various parts of the legislation were not stable and there was a lack of information on the practical application and IT specifications. We also witnessed a general lack of awareness of the upcoming changes. This became even more clear when Member States authorities informed the private sector about the possible no-deal Brexit on 31 October without mentioning any of the upcoming OCR changes on 14 December.

In response to our expression of concern, DG SANTE ensured us that the implementation was going as planned and that in due time national experts would be trained. Those experts were supposed to train their national colleagues and inform the private sector about the upcoming changes. Especially considering that while those trainings took place, legislation was not yet stable, CLECAT had serious doubts about the success of this implementation strategy. Implementation of important EU legislation, such as the OCR, which require new and/or updated IT systems (e.g. IMSOC, TRACES-NT) usually need much more time, more careful deliberation and communication and especially more involvement of the private sector. This is good practice applied by other Commission DG's, like DG TAXUD and DG MOVE, and we had thought that DG SANTE would equally seek to take the requirements for proper implementation into account in a more realistic way.

Unfortunately, it seems that the implementation is not going well, as anticipated. In recent weeks we have received many worrying reports from many EU Member States in which both the public and private sector state that insufficient information is available and there was insufficient time to properly prepare. Additionally, the already existing capacity shortages of the authorities in combination with the current increased imports of food and flowers for the holidays, create an even bigger risk of a failing implementation, potentially leading to disruptions at Europe's major ports and airports.

With this we would like to note that it cannot be expected that the private sector is able to comply with the OCR regulation while the authorities who have to enforce this legislation indicate themselves that they have insufficient information, specifications and had insufficient time to prepare their organisations and IT systems. We remind you that the implementation of the OCR has an impact on the global supply chains of mostly perishable goods, and that delays and other forms of disruption will lead to quality issues of food and other plant and animal products. Moreover, failures in controls and IT systems of authorities will not only lead to additional burden and costs for legitimate trade, but will also lead to gaps in official controls which can be easily used by companies committing fraud or which are otherwise not in compliance with the EU regulations. Paper-based fall-back procedures are certainly no solution to such issues, but instead makes things worse.

For these reasons, we call on the Commission not to make the implementation of foreseen parts of the OCR and its accompanying legislation and IT systems mandatory on 14 December 2019 but to allow for a longer implementation period of at least six months. During this period the European Commission should ensure – jointly with the Member States – that systems are well put in place and that the private sector is well informed.

Whereas the OCR is expected to support Member States in enforcement of agri-food regulations and is seeking to harmonise the application of the rules, we regret to witness that the efforts of DG SANTE to bring this into practice is proving to be insufficient. This may lead again to diverging practices which the OCR is actually seeking to address.



In summary, we call on you to grant sufficient time to both Member States and the private sector to adjust their procedures, systems and to inform their customers, suppliers and other partners across the globe. We estimate that six months should be enough, but if needed, more time should be provided.

Yours sincerely,

Nicolette van der Jagt

Director General

CLECAT, the European association for Forwarding, Transport, Logistics and Customs Services