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COVER NOTE

From: Secretary-General of the European Commission,
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 14 January 2019

To: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of
the European Union

No. Cion doc.: C(2019) 26 final

Subject: COMMISSION DELEGATED REGULATION (EU) .../... of 14.1.2019
amending Regulation (EU) 2017/625 of the European Parliament and of
the Council as regards the categories of consignments to be subjected to
official controls at border control posts

Delegations will find attached document C(2019) 26 final.

Encl.: C(2019) 26 final



Brussels, 14.1.2019
C(2019) 26 final

COMMISSION DELEGATED REGULATION (EU) .../...

of 14.1.2019

amending Regulation (EU) 2017/625 of the European Parliament and of the Council as regards the categories of consignments to be subjected to official controls at border control posts

(Text with EEA relevance)

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

Regulation (EU) 2017/625 on Official Controls (OCR) establishes the framework for official controls and other official activities to verify the correct application of Union agri-food chain legislation. This includes official controls performed on animals and goods entering the Union from third countries.

The purpose of this Delegated Act is to add composite products, hay and straw to the categories of consignments which must undergo official controls at the border control post upon arrival to the Union.

However, the Act is linked to other Acts which will establish the following:

- The exemption of certain categories of composite products from official controls at border control posts (on the basis of Article 48 of the OCR) to apply from 21 April 2021, until which the current exemptions apply.
- A list of the relevant composite products, including their CN codes (on the basis of Article 47.2a of the OCR).
- Import conditions that should apply, from 21 April 2021, to the different categories of composite products and to hay and straw (on the basis of Articles 90 and 126 of the OCR, and of Articles 234(2), 237(4) and 239(2) of the Animal Health Law), such as listing requirements, certificates or attestations.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

The Commission Expert Group "official controls" (E00911) was consulted at several occasions, and a number of meetings have been held with relevant stakeholders.

The possibility offered through the Commission's website (https://ec.europa.eu/info/law/better-regulation/have-your-say_en) to provide public feedback on the draft Delegated Regulation resulted in one comment from a citizen, suggesting that in addition to animal by-products, a reference to "derived products" should be made in Article 47(1)b of the OCR to be consistent with Article 1(2) of the said Regulation. However, the empowerment in Article 47(3) of Regulation (EU) 2017/625 which allows the Commission to modify the categories referred to in Article 47(1) of the OCR does not provide for the possibility to add derived products to that provision.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

The legal basis is Article 47(3) of Regulation (EU) 2017/625.

COMMISSION DELEGATED REGULATION (EU) .../...

of 14.1.2019

amending Regulation (EU) 2017/625 of the European Parliament and of the Council as regards the categories of consignments to be subjected to official controls at border control posts

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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) 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulation (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/EEC¹, and in particular Article 47(3) thereof,

Whereas:

- (1) Regulation (EU) 2017/625 of the European Parliament and of the Council establishes the framework for official controls and other official activities to verify the correct application of Union food and feed law. That framework includes official controls performed on animals and goods entering the Union from third countries.
- (2) Regulation (EU) 2017/625 requires for certain categories of animals and goods that each consignment is made subject to official controls at designated border control posts of first arrival into the Union, because of the risk those categories of animals and goods may pose to public and animal health.
- (3) In addition to the categories of consignments already listed in Regulation (EU) 2017/625, foodstuffs containing both products of plant origin and processed products of animal origin (composite products), as well as hay and straw should undergo official controls at border control posts as they too may pose a risk to public and animal health.
- (4) Regulation (EU) 2017/625 should therefore be amended accordingly.
- (5) Since Regulation (EU) 2017/625 applies from 14 December 2019, this Regulation should also apply from that date,

¹ OJ L 95, 7.4.2017, p. 1.

HAS ADOPTED THIS REGULATION:

Article 1

In Article 47(1) of Regulation (EU) 2017/625, point (b) is replaced by the following:

"(b) products of animal origin, germinal products, animal by-products, hay and straw and foodstuffs containing both products of plant origin and processed products of animal origin ('composite products')";

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 14 December 2019.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 14.1.2019

For the Commission
The President
Jean-Claude JUNCKER