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From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	18 July 2019
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	C(2019) 4500 final
Subject:	COMMISSION DELEGATED REGULATION (EU) .../... of 24.6.2019 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards conditions for monitoring the transport and arrival of consignments of certain goods from the border control post of arrival to the establishment at the place of destination in the Union

Delegations will find attached document C(2019) 4500 final.

Encl.: C(2019) 4500 final



Brussels, 24.6.2019
C(2019) 4500 final

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

of 24.6.2019

supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards conditions for monitoring the transport and arrival of consignments of certain goods from the border control post of arrival to the establishment at the place of destination in the Union

(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 the draft Commission Delegated Regulation is to establish the conditions for monitoring the transport and arrival of consignments of certain animals and goods from the border control post of arrival to the establishment at the place of destination in the Union.

In order to ensure that consignments reach their destination, there is a need to establish the time limit by which a consignment must arrive at the place of destination as well as the requirements and time limits for the exchange of information between operators and competent authorities involved.

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 informal discussions contributed to the preparation of a draft which did not present controversial issues.

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 no comments from citizens.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

The draft Commission Delegated Regulation is based on Regulation (EU) 2017/625, and in particular on Article 77(2) thereof.

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(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) 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)¹, and in particular Article 77(2) thereof,

Whereas:

- (1) Regulation (EU) 2017/625 establishes rules on the performance of official controls by the competent authorities of the Member States on goods entering the Union in order to verify compliance with Union agri-food chain legislation.
- (2) Article 47(1)(b) of Regulation (EU) 2017/625 specifies the categories of goods subject to official controls at the border control post of first arrival into the Union. Those goods include products of animal origin, germinal products, animal by-products and foodstuffs containing both products of plant origin and processed products of animal origin (composite products).
- (3) When consignments of certain goods referred to in Article 47(1)(b) of Regulation (EU) 2017/625 are imported into the Union, in certain cases, Union legislation provides that their transport from the border control post of arrival to the establishment at the place of destination and their arrival at their place of destination in the Union is to be monitored, in order to prevent any risks for public and animal health.

¹ OJ L 95, 7.4.2017, p. 1.

- (4) Council Directive 97/78/EC² lays down rules governing the organisation of veterinary checks on products entering the Union from third countries and conditions regarding the transport of products which are to be monitored pursuant to Union legislation from the border inspection post of arrival to the establishment at the place of destination. These rules provide, inter alia, that consignments of such products are to be dispatched from the border inspection post of arrival to the establishment at the place of destination under the supervision of the competent authority in leak-proof vehicles or containers sealed by the competent authority.
- (5) In addition, for certain animal by-products not intended for human consumption, Commission Regulation (EU) No 142/2011³ requires the transport of consignments of such by-products to be carried out in accordance with the rules laid down in Directive 97/78/EC. Those animal by-products include certain blood and blood products, petfood, other than raw petfood, rendered fats imported for purposes outside the feed chain for farmed animals, horns and horn products, excluding horn meal, and hooves and hoof products, excluding hoof meal, intended for the production of organic fertilisers or soil improvers.
- (6) Union law also provides for the monitoring of consignments of unskinned, furred wild game in accordance with rules for the performance of specific official controls laid down in accordance with Article 77(1)(b) of Regulation (EU) 2017/625 and in accordance with rules for additional public health conditions for products of animal origin and foodstuffs containing both products of plant origin and processed products of animal origin ('composite products') originating from, and returning to, the Union following a refusal of entry by a third country laid down in accordance with Article 77(1)(h) of Regulation (EU) 2017/625.
- (7) Directive 97/78/EC has been repealed by Regulation (EU) 2017/625 with effect from 14 December 2019. It is therefore appropriate to lay down rules for the monitoring of the transport and arrival of consignments of certain goods referred to in Article 47(1)(b) of Regulation (EU) 2017/625 from the border control post of arrival to the establishment at the place of destination. These rules should apply where the transport from the border control post of arrival to the establishment at the place of destination in the Union and the arrival at the establishment of destination is required to be monitored in accordance with Union legislation.
- (8) In order to provide effective monitoring of the transport and arrival of consignments from the border control post of arrival until their arrival at the establishment at their place of destination, the goods should be transported directly to the establishment at the place of destination indicated in the Common Health Entry Document (CHED).
- (9) In order to prevent any risks to animal health and to public health, the arrival of the goods at the establishment at the place of destination indicated in the CHED ("place of destination") should be monitored. The competent authority of the border control post of arrival should indicate to the competent authority responsible for performing official controls at the establishment at the place of destination that the goods have left

² Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries (OJ L 24, 30.1.1998, p. 9).

³ Commission Regulation (EU) No 142/2011 of 25 February 2011 implementing Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive (OJ L 54, 26.2.2011, p. 1).

the border inspection post and are on the way to the establishment at the place of destination indicated in the CHED. If the goods do not arrive at the establishment at the place of destination, the competent authority of the border control post of arrival and the competent authority responsible for the establishment at the place of destination should initiate appropriate follow-up action in accordance with Regulation (EU) 2017/625 with respect to the operator responsible for the consignment.

- (10) The provisions of this Regulation should apply without prejudice to the relevant provisions of the Regulation No (EU) 952/2013 of the European Parliament and of Council⁴ regarding customs supervision.
- (11) Regulation (EEC, EURATOM) No 1182/71 of the Council⁵ determines the general rules applicable to periods, dates and time limits to ensure the uniform application of Union law. Therefore, the rules laid down in that Regulation should be taken into account for the calculation of the time limits laid down in this Regulation.
- (12) Regulation (EU) 2017/625 applies from 14 December 2019. Accordingly, the rules laid down in this Regulation should also apply from that date,

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter and scope

This Regulation lays down rules for monitoring the transport and arrival of consignments of goods referred to in Article 47(1)(b) of Regulation (EU) 2017/625 which are intended for placing on the market in the Union, where the transport of those goods from the border control post of arrival to the establishment at the place of destination in the Union is required to be monitored in accordance with Union legislation (the consignment).

Article 2

Conditions for monitoring the transport of consignments from the border control post of arrival in the Union to the establishment at the place of destination

1. The competent authority at the border control post of arrival in the Union shall only authorise the transport of the consignment to the establishment at the place of destination indicated in the Common Health Entry Document referred to in Article 56 of Regulation (EU) 2017/625 (CHED), if the outcome of its official controls at the border control post of arrival is favourable.
2. The consignment for which an authorisation has been granted in accordance with paragraph 1 shall be:
 - (a) sealed by the competent authority of the border control post of arrival;
 - (b) transported without being unloaded or split;
 - (c) transported directly to the establishment at the place of destination indicated in the CHED.
3. The competent authority of the border control post of arrival shall, immediately upon authorisation, notify through the information management system for official

⁴ Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (recast) (OJ L 269, 10.10.2013, p. 1).

⁵ Regulation (EEC-EURATOM) No 1182/71 of the Council of 3 June 1971 determining the rules applicable to periods, dates and time limits (OJ L 124, 8.6.71, p. 1).

controls referred to in Article 131 of Regulation (EU) 2017/625 ('IMSOC'), the competent authority responsible for performing official controls at the establishment at the place of destination indicated in the CHED ('place of destination') that following the official controls at the border control post of arrival, transport of the consignment to the establishment at the place of destination has been authorised.

Article 3

Conditions for monitoring the arrival of consignments at the place of destination

1. The operator responsible for the establishment at the place of destination shall, within one day upon arrival of the consignment, inform the competent authority responsible for performing the official controls at the establishment at the place of destination of the arrival of the consignment at that establishment.
2. The competent authority responsible for performing official controls at the establishment at the place of destination shall notify, through IMSOC, the competent authority of the border control post of arrival, of the receipt of the information referred to in paragraph 1 by completing Part III of the CHED.
3. The competent authority responsible for performing official controls at the establishment at the place of destination shall carry out official controls at that establishment in order to ensure that consignments have arrived at the establishment at the place of destination, in particular by checking the entry records of that establishment.
4. If the competent authority at the border control post of arrival has not been notified of the arrival of the consignment at the establishment at the place of destination by the competent authority responsible for performing official controls at the establishment at the place of destination in accordance with paragraph 2 within 15 days from the date on which the transport of the consignment was authorised in accordance with Article 2(1), the competent authorities shall carry out further investigations, with a view to determining the actual location of the consignment.
5. Where the consignment, following the investigations referred to in paragraph 4, does not arrive at the establishment at the place of destination, the competent authority of the border control post of arrival and the competent authority responsible for performing the official controls at that establishment shall take any enforcement action they deem appropriate against the operator responsible for the consignment in accordance with Articles 138 and 139 of Regulation (EU) 2017/625.

Article 4

Entry into force and date of application

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, 24.6.2019

*For the Commission
The President
Jean-Claude JUNCKER*