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COVER NOTE

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

date of receipt: 10 October 2019

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

No. Cion doc.: C(2019) 7003 final

Subject: COMMISSION DELEGATED REGULATION (EU) .../... of 10.10.2019
supplementing Regulation (EU) 2017/625 of the European Parliament and
of the Council as regards rules for official controls of consignments of
animals and goods in transit, transshipment and onward transportation
through the Union, and amending Commission Regulations (EC) No
798/2008, (EC) No 1251/2008, (EC) No 119/2009, (EU) No 206/2010, (EU)
No 605/2010, (EU) No 142/2011, (EU) No 28/2012, Commission
Implementing Regulation (EU) 2016/759 and Commission Decision
2007/777/EC

Delegations will find attached document C(2019) 7003 final.

Encl.: C(2019) 7003 final



Brussels, 10.10.2019
C(2019) 7003 final

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

of 10.10.2019

supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards rules for official controls of consignments of animals and goods in transit, transshipment and onward transportation through the Union, and amending Commission Regulations (EC) No 798/2008, (EC) No 1251/2008, (EC) No 119/2009, (EU) No 206/2010, (EU) No 605/2010, (EU) No 142/2011, (EU) No 28/2012, Commission Implementing Regulation (EU) 2016/759 and Commission Decision 2007/777/EC

(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.

Article 51(1) of Regulation (EU) 2017/625 provides that certain categories of animals and goods referred in Article 47(1) of Regulation (EU) 2017/625 coming from third countries must be subject to specific official controls at the border control posts.

The purpose of this Delegated Regulation is to lay down:

- the cases and conditions under which onward transportation of consignments of goods to the place of final destination pending the availability of the results of physical checks may be authorised by the border control posts,
- specific time limits and control arrangements at the border control posts on consignments of animals and goods entering the Union by sea or by air transport from a third country, when those animals or goods moved from a vessel or aircraft and are transported under customs supervision to another vessel or aircraft in the same port or airport in preparation for onward travel,
- the cases and conditions under which identity checks and physical checks of animals arriving by air or sea and staying on the same means of transport for onward travel may be performed at a border control post other than the one of first arrival into the Union.
- the cases and conditions under which transit of consignments of animals and goods may be authorised by the border control posts and certain official controls to be performed at border control posts on such consignments, including during the storage of goods in specially approved customs warehouses or in free zones.

Article 50(4), points (b), (c) and (d) of Article 51(1), points (c) and (j) of Article 77(1) and Article 77(2) of Regulation (EU) 2017/625 are closely linked since they all concern requirements applicable to goods in transit. It is important to ensure the coherence of rules adopted under these empowerments and for this reason they are established in a single Regulation.

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 three comments. One comment was addressed where the provision now clarifies the way operator can request onward transportation authorisation in the Common Health Entry Document (CHED). The second comment was in relation to provisions on authorisation of further transit in cases where the third country rejects the consignment. This comment was not taken into account, as due to high risk of introduction of animal

diseases the possibility to authorise further transit of consignments in a seaport or airport border control posts was not considered acceptable. Moreover, in case where further transit cannot be authorised the border control posts have to take measures in accordance with Article 66 of Regulation (EU) 2017/625. The third comment was not taken into account as it was not relevant.

No impact assessment has been carried out, as Delegated Regulation is not expected to have any significant negative impact.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

The legal basis is Articles 50(4), 51(1), 77(1) and 77(2) of Regulation (EU) 2017/625.

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

of 10.10.2019

supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards rules for official controls of consignments of animals and goods in transit, transshipment and onward transportation through the Union, and amending Commission Regulations (EC) No 798/2008, (EC) No 1251/2008, (EC) No 119/2009, (EU) No 206/2010, (EU) No 605/2010, (EU) No 142/2011, (EU) No 28/2012, Commission Implementing Regulation (EU) 2016/759 and Commission Decision 2007/777/EC

(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 50(4), points (a) to (d) of Article 51(1), points (c) and (j) of 77(1) and Article 77(2) 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 compliance with the Union agri-food chain legislation. That framework includes official controls performed on animals and goods entering the Union from third countries through designated border control posts.
- (2) Article 50(4) of Regulation (EU) 2017/625 empowers the Commission to adopt rules establishing the cases where, and the conditions under which, the Common Health Entry Document (CHED) is required to accompany consignments of animals, products of animal origin, germinal products, animal by-products, derived products, hay and straw and composite products, plants, plant products and other objects referred to in Article 47(1) of Regulation (EU) 2017/625 to the place of destination, in transit through the Union.
- (3) Point (a) of Article 51(1) of Regulation (EU) 2017/625 provides that the Commission is to establish the cases where, and the conditions under which, the competent authorities of border control posts should be able to authorise the onward

¹ OJ L 95, 7.4.2017, p. 1.

transportation of consignments of food and feed of non-animal origin, plants, plant products, and other objects referred to in Article 47(1) of that Regulation to their place of final destination pending the availability of the results of physical checks.

- (4) Points (b) and (c) of Article 51(1) of Regulation (EU) 2017/625 empower the Commission to establish the cases where, and conditions under which, identity checks and physical checks of transhipped consignments and of animals arriving by air or sea and staying on the same means of transport for onward travel may be performed at a border control post other than the one of first arrival in the Union. For the purpose of effective controls of transhipped consignments, it is necessary to lay down the time periods and arrangement under which the competent authorities of the border control post should perform documentary, identity and physical checks.
- (5) Point (d) of Article 51(1) of Regulation (EU) 2017/625 provides that the Commission is to establish the cases where, and the conditions under which, the transit through the Union of consignments of animals, products of animal origin, germinal products, animal by-products, derived products, hay and straw and composite products, plants, plant products and other objects referred to in Article 47(1) of Regulation (EU) 2017/625, should be authorised. It also provides for the Commission to lay down rules concerning certain official controls to be performed at border control posts on such consignments, including the cases and conditions for the temporary storage of goods in customs warehouses, warehouses in free zones, temporary storage facilities and warehouses specialised in supplying NATO or US military bases.
- (6) The competent authorities of border control posts should be permitted to authorise the onward transportation to the place of final destination pending the availability of the results of laboratory analyses and tests of consignments of food and feed of non-animal origin subject to the measures referred to in points (d), (e) and (f) of Article 47(1) of Regulation (EU) 2017/625 and of consignments of plants, plant products and other objects referred to in points (c) and (e) of Article 47(1) of that Regulation. The food and feed which form such consignments may appear on the list of goods subject to a temporary increase of official controls at the point of entry into the Union established pursuant to point (b) of Article 47(2) of Regulation (EU) 2017/625 or may be subject to an emergency measure provided for in acts adopted in accordance with Article 53(1)(b) of Regulation (EC) No 178/2002 of the European Parliament and of the Council² or be subject to additional conditions for the entry into the Union provided for in acts adopted in accordance with Article 126 of Regulation (EU) 2017/625 or to special measures regarding their entry into the Union provided for in acts adopted in accordance with Article 128 of Regulation (EU) 2017/625.
- (7) The onward transportation authorization should be subject to conditions in order to ensure a proper control of risks. In particular, in order to contain potential risks to human or plant health, consignments of food and feed of non-animal origin subject to measures referred to in points (d), (e) and (f) of Article 47(1) of Regulation (EU) 2017/625 and consignments of plants, plant products and other objects referred to in points (c) and (e) of Article 47(1) should be transported to, and stored at, onward transportation facilities at the place of final destination designated by the Member States pending the availability of the results of laboratory analyses and tests.

² Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1).

- (8) The onward transportation facilities should be customs warehouses or temporary storage facilities authorised, designated or approved in accordance with Regulation (EU) No 952/2013 of the European Parliament and of the Council³ and in order to ensure the hygiene of foodstuffs and feedingstuffs they should be registered with the competent authorities as provided for in Regulation (EC) No 852/2004 of the European Parliament and of the Council⁴ and Regulation (EC) No 183/2005 of the European Parliament and of the Council⁵, respectively.
- (9) Animal health risks associated with consignments of animals from third countries arriving by air or sea and staying on the same means of transport for onward travel to the third country or another Member State which are intended to be placed on the market in the Union or to transit through the Union are lower than those associated with other consignments of animals, including consignments transhipped in ports or airports. Therefore, unless non-compliance with the rules referred to in Article 1(2) of Regulation (EU) 2017/625 is suspected, identity and physical checks of such animals should be performed at the border control post of introduction into the Union. In addition, documentary checks should be performed at the border control posts, including at the border control post of introduction into the Union where animals are presented for official controls and through which they enter the Union for subsequent placing on the market or for transit through the Union territory.
- (10) Long journeys on the same means of transport can be detrimental to the welfare of animals. In order to respect animal welfare requirements during transport the Council Regulation (EC) No 1/2005⁶ provisions should apply until the consignment of animals reaches the border control post of introduction into the Union.
- (11) In order to avoid the introduction of animal diseases into the Union it is necessary to perform documentary, identity and physical checks on transhipped consignments of animals in ports or airports at the border control post where the first transshipment takes place.
- (12) Taking into account the risks to human and animal health associated with transhipped consignments of products of animal origin, germinal products, animal by-products, derived products, hay and straw and composite products and the need to ensure an efficient operation of official controls on such consignments it is appropriate to establish time period during which documentary checks should be carried out by the competent authorities of the border control post of transshipment. The calculation of time for the transshipment period should start when consignment arrives at the port or airport of the Member State. Where non-compliance with the rules referred to in Article 1(2) of Regulation (EU) 2017/625 is suspected the competent authorities of the border control post of transshipment should perform documentary, identity and physical checks.
- (13) With a view to ensuring an efficient operation of official controls and taking into account the risks to plant health associated with transhipped consignments of plants,

³ Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1).

⁴ Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs (OJ L 139, 30.4.2004, p. 1).

⁵ Regulation (EC) No 183/2005 of the European Parliament and of the Council of 12 January 2005 laying down requirements for feed hygiene (OJ L 35, 8.2.2005, p. 1).

⁶ Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No 1255/97 (OJ L 3, 5.1.2005, p. 1).

plant products and other objects referred to in points (c) and (e) Article 47(1) of Regulation (EU) 2017/625, it is appropriate to establish time limits after which documentary checks may be carried out by the competent authorities of the border control post of transshipment. The calculation of time for the transshipment period should start when consignment arrives at the port or airport of the Member State. Where non-compliance with the rules referred to in Article 1(2) of Regulation (EU) 2017/625 is suspected the competent authorities of the border control post of transshipment should perform documentary, identity and physical checks.

- (14) It is appropriate to provide that unless all checks on transhipped consignments of plants, plant products and other objects referred to in points (c) and (e) Article 47(1) of Regulation (EU) 2017/625 which are intended to be placed on the market in the Union have been performed at the border control post of transshipment based on the suspicion of non-compliance with the rules referred to in Article 1(2) of Regulation (EU) 2017/625, the competent authorities of the border control post of introduction into the Union should perform documentary, identity and physical checks.
- (15) In order to reduce the administrative burden, operators responsible for transhipped consignments should be able to transmit to the competent authorities of the border control post of transshipment information on the identification and location of the goods in the port or airport, the estimated time of arrival, the estimated time of departure and the destination of their consignment. In such cases, the Member States should be equipped with an information system which enables them to consult the information provided by the operators and to verify that the time limits for carrying out documentary checks have not been exceeded.
- (16) The risks to public and animal health are low in the case of food and feed of non-animal origin subject to measures or acts referred to in points (d), (e) and (f) of Article 47(1) of Regulation (EU) 2017/625, which are transhipped from a vessel or aircraft under customs supervision to another vessel or aircraft in the same port or airport. It is therefore appropriate to provide that in this case documentary, identity and physical checks should take place not at the border control post of transshipment, but at a later stage at the border control post of introduction into the Union. Accordingly, the operator responsible for the consignment should give prior notification of the arrival of the consignments by completing and submitting the relevant part of the CHED in the information management system for official controls (IMSOC) for transmission to the competent authorities of the border control post of introduction.
- (17) In order to protect animal health and welfare, consignments of animals in transit from one third country to another third country passing under custom supervision through the Union territory should be subject to documentary, identity and physical checks at the border control post of first arrival into the Union, and such transit should only be authorised subject to the favourable outcome of those checks.
- (18) With a view to protecting human and animal health, consignments of products of animal origin, germinal products, animal by-products, derived products, hay and straw and composite products in transit from one third country to another third country passing through the Union territory should be subject to documentary and identity checks at the border control post. Such transit should be authorised subject to certain conditions, including the favourable outcome of checks at the border control post, with a view to ensuring the proper control of risks at the border and during transit, and ultimately ensuring that such goods leave the Union territory.

- (19) In order to protect plant health the consignments of plants, plant products and other objects referred to in points (c) and (e) of Article 47(1) of Regulation (EU) 2017/625 in transit from one third country to another third country and passing through the Union territory should be subject to risk based documentary and physical checks at the border control post. Such transit should be authorised subject to certain conditions, including the favourable outcome of checks at the border control post.
- (20) In certain cases, consignments of products of animal origin, germinal products, animal by-products, derived products, hay and straw and composite products which are in transit from one third country to another third country passing through the Union territory may be temporarily stored in warehouses. In order to ensure the traceability of such consignments, such temporary storage should only take place in warehouses approved by the competent authorities of Member States and which should comply with hygiene requirements laid down and referred to in Regulation (EC) No 852/2004 and Commission Regulation (EU) No 142/2011⁷.
- (21) In the interests of transparency, Member States should maintain and keep up-to-date in the IMSOC a list of all approved warehouses, indicating their name and address, the category of goods for which they are approved and the approval number. The approved warehouses should be subject to regular official controls performed by the competent authorities with a view to ensure that the conditions for their approval are maintained.
- (22) In order to ensure that consignments of products of animal origin, germinal products, animal by-products, derived products, hay and straw and composite products are actually delivered on board the vessels, including military vessels, leaving the Union, the competent authority of the port of destination or the representative of the master of the vessel upon completion of delivery should confirm delivery to the competent authorities of the border control post of introduction into the Union or of the warehouse where such goods have been temporarily stored. Such confirmation should be provided by countersigning the official certificate or by electronic means. Where consignments are not delivered to the vessel, as they missed the vessel in port or due to logistical problems, the competent authority of the warehouse or border control post of introduction into the Union should be permitted to authorise the return of the consignment to the place of dispatch.
- (23) In some Member States due to the geographical situation, the transit of animals and goods takes place under specific conditions laid down in rules for the entry into the Union of certain animals, germinal products, animal by-products and products of animal origin. Specific control procedures and conditions are therefore necessary to support the enforcement of those requirements.
- (24) It is necessary to lay down conditions under which consignments of products of animal origin, germinal products, animal by-products, derived products, hay and straw and composite products for which transit through the Union territory had been authorised, but which are rejected by the third country of destination should be permitted to be returned directly to the border control post which authorised their transit through the Union or to the warehouses where such goods were stored on Union territory before their rejection by the third country.

⁷ 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).

- (25) Given the risks to human and animal health and welfare, consignments of animals, products of animal origin, germinal products, animal by-products, derived products, hay and straw and composite products which are moved from the Union territory to another part of the Union territory, passing through the territory of a third country should be subject to documentary and identity checks before re-introduction into the Union by the competent authorities of the border control posts. Plants, plant products and other objects, which have been adequately packed and transported as referred to in point (b) of Article 47(1) of Regulation (EU) No 2016/2031 of the European Parliament and of the Council⁸ should not be subject to checks at the border control post of re-introduction, due to the low risk of introducing harmful organisms.
- (26) With a view to ensuring the proper communication and the division of responsibilities between different authorities and operators the relevant part of the CHED should be completed. Part I should be completed by the operator responsible for the consignment and transmitted to the competent authorities of the border control post before the arrival of the consignment. Part II should be completed by the competent authorities as soon as the checks referred in this Regulation have been performed and a decision is taken on the consignment and recorded therein. Part III should be completed by the competent authorities of the border control post of exit or final destination or local competent authority as soon as the checks referred in this Regulation have been performed.
- (27) In order to ensure that consignments of products of animal origin, germinal products, animal by-products, derived products, hay and straw and composite products coming from the territory of Croatia and transiting through the territory of Bosnia and Herzegovina at Neum ('Neum corridor') are intact before entering the territory of Croatia via the points of entry at Klek or Zaton Doli, the competent authority should perform checks on the seals of the vehicles or transport containers and record the date and time of departure and arrival of the vehicles transporting goods.
- (28) When consignments of certain goods referred to in points (b), (c), (d), (e) and (f) of Article 47(1) of Regulation (EU) 2017/625 are intended to be placed on the market in the Union or to transit through 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 or the border control post of exit and their arrival at their place of destination is to be monitored. In order to prevent any risk for public and animal health the competent authorities of the border control post of introduction into the Union should monitor that consignments arrive to the destination within 15 days.
- (29) One of the purposes of Regulation (EU) 2017/625 is to have rules laid down in a single act rather than scattered in several acts, which makes those rules easier to understand and apply. This Regulation follows the same approach and avoids the need for a number of cross-references between different acts, and it thus increases transparency. Various supplementing rules laid down in this draft act are interconnected and are to be applied in tandem. This is particularly the case for the rules on transit, and these rules will apply from the same date. Having these supplementing rules laid down in a single act also avoids the risk of duplication of rules.

⁸ Regulation (EU) 2016/2031 of the European Parliament and of the Council of 26 October 2016 on protective measures against pests of plants, amending Regulations (EU) No 228/2013, (EU) No 652/2014 and (EU) No 1143/2014 of the European Parliament and of the Council and repealing Council Directives 69/464/EEC, 74/647/EEC, 93/85/EEC, 98/57/EC, 2000/29/EC, 2006/91/EC and 2007/33/EC (OJ L 317, 23.11.2016, p. 4).

- (30) Commission Decision 2000/208/EC⁹, Commission Decision 2000/571/EC¹⁰ and Commission Implementing Decision 2011/215/EU¹¹ lay down rules on areas that fall within the scope of this Regulation. Accordingly, in order to avoid a duplication of rules those acts should be repealed.
- (31) Commission Decision 2007/777/EC¹², Commission Regulation (EC) No 798/2008¹³, Commission Regulation (EC) No 1251/2008¹⁴, Commission Regulation (EC) No 119/2009¹⁵, Commission Regulation (EU) No 206/2010¹⁶, Commission Regulation (EU) No 605/2010¹⁷, Commission Regulation (EU) No 142/2011, Commission Regulation (EU) No 28/2012¹⁸ and Commission Implementing Regulation (EU) 2016/759¹⁹ should be amended in order to ensure that the rules laid down in those acts are consistent with the rules laid down in this Regulation.
- (32) Since Regulation (EU) 2017/625 applies from 14 December 2019, this Regulation should also apply from that date,

HAS ADOPTED THIS REGULATION:

Chapter I

Subject matter, scope and definitions

Article 1

Subject matter and scope

1. This Regulation lays down:

⁹ Commission Decision 2000/208/EC of 24 February 2000 establishing detailed rules for the application of Council Directive 97/78/EC concerning the transit of products of animal origin from one third country to another third country by road only across the European Community (OJ L 064, 11.3.2000, p. 20).

¹⁰ Commission Decision 2000/571/EC of 8 September 2000 laying down the methods of veterinary checks for products from third countries destined for introduction into free zones, free warehouses, customs warehouses or operators supplying cross border means of sea transport (OJ L 240, 23.9.2000, p. 14).

¹¹ Commission Implementing Decision 2011/215/EU of 4 April 2011 implementing Council Directive 97/78/EC as regards transhipment at the border inspection post of introduction of consignments of products intended for import into the Union or for third countries (OJ L 90, 6.4.2011, p. 50).

¹² Commission Decision 2007/777/EC of 29 November 2007 laying down the animal and public health conditions and model certificates for imports of certain meat products and treated stomachs, bladders and intestines for human consumption from third countries and repealing Decision 2005/432/EC (OJ L 312, 30.11.2007, p. 49).

¹³ Commission Regulation (EC) No 798/2008 of 8 August 2008 laying down a list of third countries, territories, zones or compartments from which poultry and poultry products may be imported into and transit through the Community and the veterinary certification requirements (OJ L 226, 23.8.2008, p. 1).

¹⁴ Commission Regulation (EC) No 1251/2008 of 12 December 2008 implementing Council Directive 2006/88/EC as regards conditions and certification requirements for the placing on the market and the import into the Community of aquaculture animals and products thereof and laying down a list of vector species (OJ L 337, 16.12.2008, p. 41).

¹⁵ Commission Regulation (EC) No 119/2009 of 9 February 2009 laying down a list of third countries or parts thereof, for imports into, or transit through, the Community of meat of wild leporidae, of certain wild land mammals and of farmed rabbits and the veterinary certification requirements (OJ L 39, 10.2.2009, p. 12).

¹⁶ Commission Regulation (EU) No 206/2010 of 12 March 2010 laying down lists of third countries, territories or parts thereof authorised for the introduction into the European Union of certain animals and fresh meat and the veterinary certification requirements (OJ L 73, 20.3.2010, p. 1).

¹⁷ Commission Regulation (EU) No 605/2010 of 2 July 2010 laying down animal and public health and veterinary certification conditions for the introduction into the European Union of raw milk, dairy products, colostrum and colostrum-based products intended for human consumption (OJ L 175, 10.7.2010, p. 1).

¹⁸ Commission Regulation (EU) No 28/2012 of 11 January 2012 laying down requirements for the certification for imports into and transit through the Union of certain composite products and amending Decision 2007/275/EC and Regulation (EC) No 1162/2009 (OJ L 12, 14.1.2012, p. 1).

¹⁹ Commission Implementing Regulation (EU) 2016/759 of 28 April 2016 drawing up lists of third countries, parts of third countries and territories from which Member States are to authorise the introduction into the Union of certain products of animal origin intended for human consumption, laying down certificate requirements, amending Regulation (EC) No 2074/2005 and repealing Decision 2003/812/EC (OJ L 126, 14.5.2016, p. 13).

- (a) rules establishing the cases where and the conditions under which, the competent authorities of a border control post may authorise the onward transportation of consignments of the following categories of goods to the place of final destination in the Union pending the availability of the results of laboratory analyses and tests carried out as part of the physical checks referred to in Article 49(1) of Regulation (EU) 2017/625:
 - (i) plants, plant products, and other objects referred to in the lists established pursuant to Articles 72(1) and 74(1) of Regulation (EU) 2016/2031;
 - (ii) plants, plant products and other objects subject to an emergency measure referred to in point (e) of Article 47(1) of Regulation (EU) 2017/625;
 - (iii) food and feed of non-animal origin subject to the measures provided for by the acts referred to in points (d), (e) and (f) of Article 47(1) of Regulation (EU) 2017/625;
 - (b) rules establishing the cases where and the conditions under which, identity checks and physical checks of animals arriving by air or sea and staying on the same means of transport for onward travel may be performed at a border control post other than the one of first arrival into the Union;
 - (c) specific rules for official controls at border control posts of transhipped consignments of animals and the following categories of goods:
 - (i) products of animal origin, germinal products, animal by-products, derived products, hay and straw and composite products;
 - (ii) plants, plant products, and other objects as referred in the lists established pursuant to Articles 72(1) and 74(1) of Regulation (EU) 2016/2031;
 - (iii) plants, plant products, and other objects subject to an emergency measure provided for by the Articles of Regulation (EU) 2016/2031 referred to in point (e) of Article 47(1) of Regulation (EU) 2017/625;
 - (iv) food and feed of non-animal origin subject to measures or acts referred to in points (d), (e) and (f) of Article 47(1) of Regulation (EU) 2017/625;
 - (d) specific rules for controls of consignments in transit of animals and of the following categories of goods:
 - (i) products of animal origin, germinal products, animal by-products, derived products, hay and straw and composite products;
 - (ii) plants, plant products, and other objects referred to in the lists established pursuant to Articles 72(1) and 74(1) of Regulation (EU) 2016/2031;
 - (iii) plants, plant products, and other objects subject to an emergency measure provided for by the point (e) of Article 47(1) of Regulation (EU) 2017/625.
2. This Regulation shall apply to vertebrate and invertebrate animals with the exception of:
- (a) pet animals as defined in Article 4(11) of Regulation (EU) 2016/429²⁰ of the European Parliament and of the Council; and

²⁰ Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016 on transmissible animal diseases and amending and repealing certain acts in the area of animal health (OJ L 84, 31.3.2016, p. 1).

- (b) invertebrate animals intended for scientific purposes as referred to in Article 3 of Commission Delegated Regulation (EU) 2019/XXX [adopted on the basis of Article 48 of Regulation (EU) 2017/625 C(2019)7006]²¹.

Article 2 **Definitions**

For the purposes of this Regulation, the following definitions apply:

- (1) 'common health entry document' or 'CHED' means the common health entry document, which is used for the prior notification of the arrival of consignments at the border control post, and which is used to record the outcome of official controls performed and of decisions taken by the competent authorities in relation to the consignment which it accompanies;
- (2) 'transhipped consignments' means consignments of animals or goods entering the Union by sea or by air transport from a third country, when those animals or goods are moved from a vessel or aircraft and are transported under customs supervision to another vessel or aircraft in the same port or airport in preparation for onward travel;
- (3) 'warehouse' means:
 - (a) a customs warehouse, a warehouse in a free zone, a temporary storage facility approved, authorised or designated in accordance with Articles 147(1), 240(1), 243(1) respectively of Regulation (EU) No 952/2013; or
 - (b) a warehouse specialised in supplying goods for NATO or US military bases;
- (4) 'onward transportation' means the movement of consignments of goods from a border control post to their place of final destination in the Union pending the availability of the results of laboratory analyses and tests;
- (5) 'onward transportation facility' means the facility at the place of final destination in the Union or at a place situated under the remit of the same competent authority as the place of final destination, designated by the Member State of destination for the storage of consignments of goods subject to onward transportation prior to the release for free circulation of such consignments;
- (6) 'information management system for official controls' or 'IMSOC' means the information management system for official controls referred to in Article 131 of Regulation (EU) 2017/625;
- (7) 'border control post of introduction into the Union' means the border control post where animals and goods are presented for official controls and through which they enter the Union for subsequent placing on the market or for transit through the Union territory and which may be the border control post of first arrival into the Union;
- (8) 'Union regulated non-quarantine pest' means a pest that fulfils all the conditions listed in Article 36 of the Regulation (EU) 2016/2031;
- (9) 'approved warehouse' means a warehouse approved by the competent authorities as provided for in Article 23 of this Regulation;

²¹ Commission Delegated Regulation (EU) 2019/XXXX supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards certain categories of animals and goods exempted from official controls at border control posts, specific controls on passengers' personal luggage and on small consignments of goods sent to natural persons which are not intended to be placed on the market and amending Regulation (EU) No 142/2011 (OJ L ...).

- (10) 'specified pathogen-free eggs' means hatching eggs which are derived from chicken flocks free from specified pathogens, as described in the European Pharmacopoeia²², and which are intended solely for diagnostic, research or pharmaceutical use.

Chapter II

Onward transportation of consignments of plants, plant products and other objects and of food and feed of non-animal origin as referred to in point (a) of Article 1(1)

SECTION 1

CONDITIONS FOR ONWARD TRANSPORTATION

Article 3

Operators' obligations before onward transportation authorisation

1. Requests for the authorisation for onward transportation shall be made by the operator responsible for the consignments of goods referred to in point (a) of Article 1(1) to the competent authorities of the border control post of introduction into the Union prior to arrival of the consignment at the border control post. Such request shall be made by giving notification as referred to in point (a) of Article 56(3) of Regulation (EU) 2017/625 by completing Part I of the CHED.
2. For consignments of goods referred to in point (a) of Article 1(1) which are selected for sampling and laboratory analysis at the border control post, the operator responsible for the consignments may make a request for the authorisation for onward transportation to the competent authorities of the border control post of introduction into the Union by completing Part I of the CHED.

Article 4

Authorisation for onward transportation

The competent authorities of the border control post of introduction into the Union may authorise the onward transportation of consignments of goods referred to in point (a) of Article 1(1) provided that the following conditions are fulfilled:

- (a) the outcome of the documentary checks, identity checks and physical checks, other than of the laboratory analyses and tests carried out as part of those physical checks, performed at the border control post is satisfactory;
- (b) the operator responsible for the consignment has requested the onward transportation as provided for in Article 3.

Article 5

Operators' obligations after authorisation for onward transportation

When the competent authorities of the border control post of introduction into the Union authorise the onward transportation of the consignments of goods referred to in point (a) of Article 1(1), the operator responsible for the consignment shall:

²² <http://www.edqm.eu> (latest edition).

- (a) complete Part I of a separate CHED for the same consignment, linked in the IMSOC to the CHED referred to in Article 3, by declaring therein the means of transport and the date of arrival of the consignment at the selected onward transportation facility;
- (b) submit the CHED referred to in point (a) in the IMSOC for transmission to the competent authorities of the border control post which has authorised the onward transportation.

Article 6

Conditions for transportation and storage of consignments subject to onward transportation

1. The operator responsible for the consignments authorised for onward transportation in accordance with Article 4 shall ensure that:
 - (a) during transport to, and storage at, the onward transportation facility, the consignment is not tampered with in any manner;
 - (b) the consignment is not subject to any alteration, processing, substitution or change of packaging;
 - (c) the consignment does not leave the onward transportation facility pending the decision on the consignment being taken by the competent authorities of the border control post in accordance with Article 55 of Regulation (EU) 2017/625.
2. The operator responsible for the consignment shall transport the consignment under customs supervision directly from the border control post of introduction into the Union to the onward transportation facility, without the goods being unloaded during transport, and shall store it in the onward transportation facility.
3. The operator responsible for the consignment shall ensure that the packaging or the means of transport of the consignment of plants, plant products and other objects referred to in point (a)(i) and (ii) of Article 1(1) has been closed or sealed in such a way that, during their transport to and storage at the onward transportation facility:
 - (a) they do not cause an infestation of or an infection to other plants, plant products or other objects with pests listed as Union quarantine pests or as Union regulated non-quarantine pests;
 - (b) they do not become infested or infected by non-quarantine pests.
4. The operator responsible for the consignment shall ensure that a copy, on paper or in electronic form, of the CHED referred to in Article 3 accompanies the consignment from the border control post of introduction into the Union to the onward transportation facility.
5. The operator responsible for the consignment shall notify the competent authorities at the place of final destination of the arrival of consignment at the onward transportation facility.
6. After the competent authorities of the border control post of introduction into the Union have authorised the onward transportation of the consignment to the onward transportation facility, the operator responsible for the consignment shall not transport the consignment to a onward transportation facility that is different from the one indicated in the CHED, unless the competent authorities of the border control post of introduction into the Union authorise the change in accordance with Article 4

and provided that the conditions laid down in paragraphs 1 to 5 of this Article are complied with.

Article 7

Operations to be carried out by the competent authorities of the border control post after authorisation of onward transportation

1. When authorising the onward transportation of a consignment in accordance with Article 4, the competent authorities of the border control post of introduction into the Union shall notify the competent authorities at the place of final destination of the transportation of the consignment by submitting the CHED referred to in Article 3 into the IMSOC.
2. Upon finalisation of the CHED referred to in Article 5 of this Regulation in accordance with Article 56(5) of Regulation (EU) 2017/625, the competent authorities of the border control post of introduction into the Union shall immediately notify the competent authorities at the place of final destination through the IMSOC.
3. Where the consignment does not comply with the rules referred to in Article 1(2) of Regulation (EU) 2017/625, the competent authorities of the border control post of introduction into the Union shall take measures in accordance with Article 66(3) to (6) of that Regulation.
4. Where the competent authorities of the border control post of introduction into the Union have not received confirmation from the competent authorities of the place of destination of the arrival of a consignment within a period of 15 days from the date on which the consignment was authorised for onward transportation to the onward transportation facility, they shall:
 - (a) verify with the competent authorities at the place of destination whether or not the consignment has arrived at onward transportation facility;
 - (b) inform the customs authorities of the non-arrival of the consignment;
 - (c) undertake further investigation to determine the actual location of the consignment in cooperation with customs authorities and other authorities in accordance with Article 75(1) of Regulation (EU) 2017/625.

Article 8

Operations to be carried out by the competent authorities at the place of final destination

1. The competent authorities at the place of final destination shall confirm the arrival of the consignment at the onward transportation facility by completing in the IMSOC Part III of the CHED referred to in Article 3.
2. The competent authorities at the place of final destination shall place consignments which do not comply with the rules referred to in Article 1(2) of Regulation (EU) 2017/625 under official detention in accordance with Article 66(1) of that Regulation, and shall take all necessary steps to apply the measures ordered by the competent authorities of the border control post in accordance with Article 66(3) and (4) of that Regulation.

SECTION 2 ONWARD TRANSPORTATION FACILITIES

Article 9

Conditions for the designation of onward transportation facilities

1. Member States may designate onward transportation facilities for consignments of one or more categories of goods as referred to in point (a) of Article 1(1), provided that they comply with the following requirements:
 - (a) they are customs warehouses or temporary storage facilities as referred to in Articles 240(1) and 147(1) of Regulation (EU) 952/2013, respectively;
 - (b) where the designation concerns:
 - (i) food of non-animal origin referred to in point (a)(iii) of Article 1(1) of this Regulation, the onward transportation facilities are registered with the competent authority as provided for in Article 6(2) of Regulation (EC) No 852/2004;
 - (ii) feed of non-animal origin referred to in point (a)(iii) of Article 1(1) of this Regulation, the onward transportation facilities are registered with the competent authority as provided for in Article 9(2) of Regulation (EC) No 183/2005.
 - (c) they have the necessary technology and equipment for the efficient operation of the IMSOC.
2. Where onward transportation facilities cease to comply with the requirements referred to in paragraph 1, Member States shall:
 - (a) temporarily suspend the designation pending the implementation of corrective actions or permanently withdraw the designation for all or some of the categories of goods for which the designation was made;
 - (b) ensure that information on the onward transportation facilities referred to in Article 10 is updated accordingly.

Article 10

Registration of designated onward transportation facilities in the IMSOC

Member States shall maintain and keep up-to-date in the IMSOC the list of onward transportation facilities designated in accordance with Article 9(1), and provide the following information:

- (a) the name and address of the onward transportation facility;
- (b) the category of goods for which it is designated.

Chapter III

Onward travel of animals staying on the same means of transport and transhipped consignments of animals and goods

Article 11

Documentary checks, identity checks and physical checks of consignments of animals staying on the same means of transport

1. The competent authorities of the border control post shall perform documentary checks on originals or copies of official certificates or documents that are required to accompany consignments of animals which arrive by air or sea and stay on the same means of transport for onward travel, where such animals are intended to be placed on the market in the Union or to transit through the Union.
2. The competent authorities referred to in paragraph 1 shall return to the operator responsible for the consignment the official certificates or documents on which they performed documentary checks to allow such official certificates or documents to accompany the consignment for onward travel.
3. When non-compliance with the rules referred to in Article 1(2) of Regulation (EU) 2017/625 is suspected, the competent authorities of the border control post shall perform documentary checks, identity checks and physical checks on the consignments.

Documentary checks shall be performed on original official certificates or documents that are required to accompany the consignment of animals as provided for by the rules referred to point (d) of Article 1(2) of Regulation (EU) 2017/625.

4. The competent authorities of the border control post of introduction into the Union shall perform documentary checks, identity checks and physical checks, except where documentary checks, identity checks and physical checks have been performed at another border control post in accordance with paragraph 3.

Article 12

Documentary checks, identity checks and physical checks of transhipped consignments of animals

The competent authorities of the border control post of transshipment shall perform documentary checks, identity checks and physical checks of transhipped consignments of animals.

Article 13

Documentary checks, identity checks and physical checks of transhipped consignments of products of animal origin, germinal products, animal by-products, derived products, hay and straw and composite products

1. The competent authorities of the border control post of transshipment shall perform documentary checks on originals or copies of official certificates or documents that are required to accompany transhipped consignments of products of animal origin, germinal products, animal by-products, derived products, hay and straw and composite products in the following cases:

- (a) for goods subject to the animal health requirements and the rules for the prevention and minimisation of risks to human and animal health arising from animal by-products and derived products referred to in points (d) and (e) of Article 1(2) of Regulation (EU) 2017/625 where the transshipment period:
 - (i) at the airport exceeds 3 days;
 - (ii) at the port exceeds 30 days;
 - (b) for goods other than those referred to in point (a), where the transshipment period exceeds 90 days.
2. The competent authorities referred to in paragraph 1 shall return to the operator responsible for the consignment the official certificates or documents on which they performed documentary checks to allow such official certificates or documents to accompany the consignment for onward travel.
 3. Where the competent authorities of the border control post of transshipment suspects non-compliance with the rules referred to in Article 1(2) of Regulation (EU) 2017/625, they shall perform documentary checks, identity checks and physical checks on the consignment.
 Those documentary checks shall be performed on original official certificates or documents where such official certificates or documents are required to accompany the consignment, as provided for by the rules referred to in Article 1(2) of Regulation (EU) 2017/625.
 4. Where a consignment intended for dispatch to third countries exceeds the time period referred to in paragraph 1 and where it does not comply with the rules referred to in Article 1(2) of Regulation (EU) 2017/625, the competent authorities of the border control post shall order the operator either to destroy the consignment or to ensure that it leaves the Union territory without delay.
 5. The competent authorities of the border control post of introduction into the Union shall perform the documentary, identity and physical checks provided for in Article 49(1) of Regulation (EU) 2017/625 of goods intended to be placed on the Union market, except where documentary checks, identity checks and physical checks have been performed at another border control post in accordance with paragraph 3.
 6. The competent authorities of the border control post of introduction into the Union shall perform checks referred in Article 19 of goods intended for transit through the Union territory, except where documentary checks, identity checks and physical checks have been performed at another border control post in accordance with paragraph 3.

Article 14

Storage of transhipped consignments of products of animal origin, germinal products, animal by-products, derived products, hay and straw and composite products

Operators shall ensure that consignments of products of animal origin, germinal products, animal by-products, derived products, hay and straw and composite products are only stored during the transshipment period either in:

- (i) the customs or free zone area of the same port or airport in sealed containers; or

- (ii) commercial storage facilities under the control of the same border control post, in compliance with the conditions laid down in Article 3(11) and (12) of Commission Implementing Regulation (EU) 2019/1014²³.

Article 15

Documentary checks, identity checks and physical checks of transhipped consignments of plants, plant products and other objects

1. The competent authorities of the border control post of transshipment shall perform documentary checks on a risk basis of transhipped consignments of plants, plant products and other objects referred to in point (c)(ii) and (iii) of Article 1(1) where the transshipment period exceeds 3 days at the airport or 30 days at the port.
2. The competent authorities referred to in paragraph 1 shall return to the operator responsible for the consignment the official certificates or documents on which they performed documentary checks to allow the official certificates or documents to accompany the consignment for onward travel.
3. Where non-compliance with the rules referred to in Article 1(2) of Regulation (EU) 2017/625 is suspected, the competent authorities of the border control post of transshipment shall perform documentary checks, identity checks and physical checks on the consignment.
4. The documentary checks, identity checks and physical checks shall be performed at the border control post of introduction into the Union, except where documentary checks, identity checks and physical checks have been performed at another border control post in accordance with paragraph 3.

Article 16

Notification of information before the transshipment period expires

1. For consignments intended for transshipment within the periods referred to in Articles 13(1) and 15(1), the operator responsible for the consignments shall provide notification before the arrival of the consignments to the competent authorities of the border control post of transshipment through the IMSOC or another information system designated by the competent authorities for that purpose, indicating the following:
 - (a) the information necessary for the identification and location of the consignment in the airport or port;
 - (b) the identification of the means of transportation;
 - (c) the estimated time of arrival and departure of the consignment;
 - (d) the destination of the consignment.
2. For the purposes of the notification referred to in paragraph 1, the competent authorities shall designate an information system which allows the competent authorities of the border control post of transshipment to:
 - (a) consult the information provided by operators;

²³ Commission Implementing Regulation (EU) 2019/1014 of 12 June 2019 to lay down detailed rules on minimum requirements for border control posts, including inspection centres, and for the format, categories and abbreviations to use for listing border control posts and control points (OJ L 165, 21.6.2019, p. 10).

- (b) verify in respect of each consignment that the transshipment periods provided for in Articles 13(1) and 15(1) are not exceeded.
3. In addition to the prior notification provided for in paragraph 1 of this Article, the operator responsible for the consignment shall also notify the competent authorities of the border control post of transshipment by completing and submitting the relevant part of the CHED in the IMSOC as provided for in Article 56 of Regulation (EU) 2017/625 in the following cases:
- (a) the transshipment period referred to in Articles 13(1) and 15(1) has expired; or
 - (b) the competent authorities of the border control post of transshipment inform the operator responsible for the consignment of their decision to perform documentary checks, identity checks and physical checks based on a suspicion of non-compliance as provided for in Article 13(3) or 15(3).

Article 17

Documentary checks, identity checks and physical checks of transhipped consignments of food and feed of non-animal origin

1. The competent authorities of the border control post of introduction into the Union shall perform documentary checks, identity checks and physical checks on transhipped consignments of food and feed of non-animal origin subject to the measures provided for by the acts referred to in points (d), (e) and (f) of Article 47(1) of Regulation (EU) 2017/625.
2. The operator responsible for the consignment shall give prior notification of the arrival of the consignment of goods referred to in paragraph 1 of this Article as provided for in Article 56(4) of Regulation 2017/625, to the competent authorities of the border control post of introduction into the Union.

Chapter IV

Transit of animals and goods from one third country to another third country, passing through the Union territory

SECTION 1

OFFICIAL CONTROLS AT THE BORDER CONTROL POST OF INTRODUCTION INTO THE UNION

Article 18

Documentary checks, identity checks and physical checks of consignments of animals in transit

The competent authorities of the border control post of introduction into the Union shall only authorise the transit of consignments of animals from one third country to another third country, passing through the territory of the Union where documentary checks, identity checks and physical checks have been favourable.

Article 19

Conditions for the authorisation of transit of consignments of products of animal origin, germinal products, animal by-products, derived products, hay and straw and composite products

The competent authorities of the border control post of introduction into the Union shall only authorise the transit of consignments of products of animal origin, germinal products, animal by-products, derived products, hay and straw and composite products subject to compliance with the following conditions:

- (a) the goods comply with the applicable requirements laid down in the rules referred to in points (d) and (e) of Article 1(2) of Regulation (EU) 2017/625;
- (b) the consignment has been subjected to documentary checks and identity checks at the border control post with favourable results;
- (c) the consignment has been subjected to physical checks at the border control post, where non-compliance with the rules referred to in Article 1(2) of Regulation (EU) 2017/625 was suspected;
- (d) the consignment is accompanied by the CHED, and leaves the border control post in vehicles or transport containers sealed by the authority at the border control post;
- (e) the consignment must be directly transported under customs supervision, without the goods being unloaded or split, within a maximum period of 15 days from the border control post to one of the following destinations:
 - (i) to a border control post in order to leave the Union territory;
 - (ii) to an approved warehouse;
 - (iii) to a NATO or US military base located in the Union territory;
 - (iv) to a vessel leaving the Union, where, the consignment is intended for ship supplying purposes.

Article 20

Follow-up measures by the competent authorities

The competent authorities of the border control post of introduction into the Union which have not received, within a period of 15 days from the date on which transit was authorised at the border control post, confirmation of the arrival of consignments of products of animal origin, germinal products, animal by-products, derived products, hay and straw and composite products at one of the destinations referred to in points (e)(i) to (iv) of Article 19, shall:

- (a) verify with the competent authorities at the place of destination whether or not the consignment has arrived at the place of destination;
- (b) inform the customs authorities of the non-arrival of the consignment;
- (c) undertake further investigation to determine the actual location of the consignment in cooperation with customs authorities and other authorities in accordance with Article 75(1) of Regulation (EU) 2017/625.

Article 21

Transportation of consignments to a vessel leaving the Union territory

1. Where a consignment of goods referred to in Article 19 is destined to a vessel leaving the Union territory, the competent authorities of the border control post of introduction into the Union shall, in addition to the CHED, issue an official certificate in accordance with the model laid down in Annex to Commission Implementing Regulation (EU) 2019/XXX²⁴ [adopted on the basis of Article 77(3)(a) of Regulation (EU) No 2017/625 C(2019)7000] which shall accompany the consignment to the vessel.
2. In the case where several consignments of products of animal origin, germinal products, animal by-products, derived products, hay and straw and composite products are delivered together to the same vessel, the competent authorities of the border control post of introduction into the Union may issue one single official certificate as referred to in paragraph 1 which shall accompany such consignments to the vessel, provided that it has indicated the reference of the CHED for each consignment.

Article 22

Documentary checks and physical checks of plants, plant products and other objects in transit

1. Where consignments of plants, plant products and other objects referred to in point (d)(ii) and (iii) of Article 1(1) are presented for transit at a border control post of introduction into the Union, the competent authorities of that border control post may authorise the transit of such plants, plant products, and other objects, provided that the consignments are transported under customs supervision.
2. The competent authorities of the border control post referred to in paragraph 1 shall perform the following checks on a risk basis:
 - (a) documentary checks of the signed declaration referred to in point (a) of Article 47(1) of Regulation (EU) 2016/2031;
 - (b) physical checks of the consignments to ensure that it is adequately packed and transported as referred to in point (b) of Article 47(1) of Regulation (EU) 2016/2031.
3. Where official controls are performed, the competent authorities shall authorise the transit of the goods referred to in paragraph 1 provided that the consignments:
 - (a) comply with Article 47 of Regulation (EU) 2016/2031;
 - (b) are transported to the point of exit from the Union under customs supervision.
4. The operator responsible for consignments of plants, plant products and other objects referred to in paragraph 1 shall ensure that the packaging or the means of transport of the consignments is closed or sealed in such a way that, during their transport to and storage at warehouses:

²⁴ Commission Implementing Regulation (EU) 2019/XXXX establishing the model official certificate and rules for issuing official certificates for goods which are delivered to vessels leaving the Union and intended for ship supply or consumption by the crew and passengers, or to NATO or a United States' military base (OJ L ...)

- (a) the plants, plant products and other objects cannot cause an infestation or an infection to other plants, plant products or other objects with the pests listed as Union quarantine pests or as Union regulated non-quarantine pests referred to in the first subparagraph of Article 5(2) and Article 30(1) of Regulation (EU) 2016/2031, respectively and, in the case of protected zones, with the respective pests included on lists established pursuant to Article 32(3) of that Regulation;
- (b) plants, plant products and other objects cannot become infested or infected by the pests referred in point (a).

SECTION 2

CONDITIONS FOR THE STORAGE OF CONSIGNMENTS IN TRANSIT IN APPROVED WAREHOUSES

Article 23

Conditions for the approval of warehouses

1. The competent authorities shall approve the warehouses for the storage of consignments of products of animal origin, germinal products, animal by-products, derived products, hay and straw and composite products for which transit has been authorised in accordance with Article 19.
2. The competent authorities shall only approve warehouses referred to in paragraph 1 that comply with the following requirements:
 - (a) the warehouses storing products of animal origin, composite products, animal by-products and derived products must comply with either:
 - (i) the hygiene requirements laid down in Article 4 of Regulation (EC) No 852/2004; or
 - (ii) the requirements laid down in points (b) and (c) of Article 19 of Regulation (EU) No 142/2011;
 - (b) they must have been authorised, approved or designated by the customs authorities in accordance with Articles 147(1), 240(1) and 243(1) of Regulation (EU) No 952/2013;
 - (c) the warehouses must consist of a closed space with entrances and exits subject to permanent control by the operators;
 - (d) the warehouses must possess storage or refrigeration rooms allowing for the separate storage of the goods referred to in paragraph 1;
 - (e) the warehouses must have arrangements for the daily logging of all consignments entering or leaving the facilities, with details of the nature and quantity of the goods, the name and address of the recipients and copies of the CHED and certificates accompanying the consignments; the warehouses must keep those records for a period at least of three years;
 - (f) all goods referred to in paragraph 1 must be identified by labelling or by electronic means with the reference number of the CHED accompanying the consignment; those goods must not be subjected to any alteration, processing, substitution or change of packaging;
 - (g) the warehouses must have the technology and equipment necessary for the efficient operation of the IMSOC;

- (h) the operators of the warehouses shall provide premises and the means of communication necessary to enable them to perform official controls and other official activities effectively, upon request by the competent authority.
3. Where warehouses no longer comply with the requirements laid down in paragraph 2, the competent authority shall withdraw or temporarily suspend the approval of the warehouse.

Article 24

Transportation of goods from warehouses

The operator responsible for the consignment shall transport the consignments of goods referred to in Article 23(1) from approved warehouses to one of the following destinations:

- (a) a border control post in order to leave the Union territory to go to:
 - (i) a NATO or US military base; or
 - (ii) any other destination;
- (b) another approved warehouse;
- (c) a NATO or US military base located in the Union territory;
- (d) a vessel leaving the Union, where, the consignments are intended for ship supplying purposes;
- (e) a place where the consignments are to be disposed of in accordance with Chapter II of Title I of Regulation (EC) No 1069/2009²⁵.

Article 25

Maintaining and keeping up-to-date the list of approved warehouses

Member States shall maintain and keep up-to-date in the IMSOC the list of approved warehouses, and provide the following information:

- (a) the name and address of each warehouse;
- (b) the categories of goods for which it is approved.

Article 26

Official controls in warehouses

1. The competent authorities shall perform regular official controls in approved warehouses to verify the compliance with the requirements for approval laid down in Article 23.
2. The competent authorities responsible for official controls in approved warehouses shall verify the effectiveness of the systems in place to ensure the traceability of consignments, including by comparing the quantities of goods entering and leaving warehouses.
3. The competent authorities shall verify that consignments moved to or stored in warehouses are accompanied by the relevant CHED and authenticated paper or

²⁵ Regulation (EC) No 1069/2009 of the European Parliament and of the Council of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 (OJ L 300, 14.11.2009, p. 1).

electronic copy of the official certificate as referred to in Article 50(2) of Regulation (EU) 2017/625.

4. When consignments arrive at approved warehouses, the competent authorities shall:
 - (a) perform an identity check to confirm that the consignment corresponds to the relevant information in the accompanying CHED;
 - (b) verify that the seals fixed on the vehicles or transport containers, in accordance with point (d) of Article 19 or point (d) of Article 28, are still intact;
 - (c) record the outcome of identity checks in Part III of the CHED and communicate that information through the IMSOC.

Article 27

Operators' obligations at warehouses

1. The operator responsible for the consignment shall inform the competent authorities of the arrival of the consignment at the approved warehouse.
2. By way of derogation from paragraph 1, the competent authority may exempt the operator responsible for the approved warehouse from the obligation to inform competent authorities of the arrival of the consignment at the warehouse provided that the operator is approved by the customs authorities as an authorised economic operator referred to in Article 38 of Regulation (EU) No 952/2013.
3. By way of derogation from paragraph 1, the competent authority may exempt consignments from identity checks provided that the operator responsible for the consignment is approved by the customs authorities as an authorised economic operator referred to in Article 38 of Regulation (EU) No 952/2013.
4. The operator responsible for the consignment shall ensure that goods referred in paragraph 1 moved to or stored in the warehouses are accompanied by the relevant CHED and authenticated paper or electronic copy of the official certificate as referred to in Article 50(2) of Regulation (EU) 2017/625.

Article 28

Conditions for transportation of goods from warehouses to third countries, other warehouses and disposal places

The operator responsible for the consignment shall transport the goods referred to in Article 23(1) from the approved warehouse to one of the destinations referred to in points (a)(ii), (b) and (e) of Article 24 provided that the following requirements are fulfilled:

- (a) the operator responsible for the consignment submits the CHED through the IMSOC for the entire consignment and declares therein the means of transport and the place of destination; where the initial consignment is split at the warehouse, the operator responsible for the consignment must submit the CHED through the IMSOC for each part of the split consignment and declare therein the quantity, means of transport and place of destination for the relevant part of the split consignment;
- (b) the competent authorities must authorise the movement and finalise the CHED for:
 - (i) the entire consignment, or

- (ii) individual parts of the split consignment, provided that the total sum of the quantities declared in the CHEDs issued for the individual parts does not exceed the total quantity set out in the CHED for the entire consignment.
- (c) the operator responsible for the consignment must ensure that, in addition to the CHED accompanying the consignment, an authenticated copy of the official certificate which accompanied the consignment to the warehouse, as referred to in Article 27(4), travels onwards with the consignment unless an electronic copy of the official certificate was uploaded into the IMSOC and was verified by the competent authorities of the border control post of introduction into the Union; where the initial consignment is split and the copy of the official certificate was not uploaded into the IMSOC by the competent authorities of the border control post of introduction into the Union, the competent authorities issue the operator responsible for the consignment authenticated copies of the official certificate in order to accompany the parts of the split consignment to their destinations;
- (d) the operator responsible for the consignment transports the goods under customs supervision from the warehouses in vehicles or transport containers sealed by the competent authorities;
- (e) the operator responsible for the consignment transports the goods directly from the warehouse to the place of destination without the goods being unloaded or split, within a maximum period of 15 days from the date of authorisation of transportation.

Article 29

Conditions for transportation of goods from warehouses to NATO or US military bases and vessels leaving the Union

The operator responsible for the consignment shall transport the goods referred to in Article 23(1) from the approved warehouses to one of the destinations referred to in points (a)(i),(c) and (d) of Article 24 provided that the following requirements are fulfilled:

- (a) the operator responsible for the warehouse declares the movement of the goods to the competent authorities by completing Part I of the official certificate referred to in point (c);
- (b) the competent authority authorises the movement of the goods and issues to the operator responsible for the consignment a finalised official certificate referred to in point (c), that may be used for the delivery of the consignment containing goods derived from more than one consignment of origin or product categories;
- (c) the operator responsible for the consignment ensures that, an official certificate in accordance with the model set out in the Annex to Implementing Regulation (EU) 2019/XXX [adopted on the basis of Article 77(3)(a) and Article 90(a) of Regulation (EU) No 2017/625 C(2019)7000] accompanies the consignment to its place of destination;
- (d) the operator responsible for the consignment transports the goods under customs supervision;
- (e) the operator responsible for the consignment transports the goods from the warehouses in vehicles or transport containers which were sealed under the supervision of the competent authorities.

Article 30

Follow-up measures by the competent authorities

The competent authorities of a warehouse which have not received, within a period of 15 days from the date on which transit from the warehouse was authorised, confirmation of arrival of consignments of products of animal origin, germinal products, animal by-products, derived products, hay and straw and composite products at one of the destinations referred to in Article 24, shall:

- (a) verify with the competent authorities at places of destination whether or not the consignment has arrived;
- (b) inform the customs authorities of the non-arrival of the consignments;
- (c) undertake further investigation to determine the actual location of the goods in cooperation with customs authorities and other authorities in accordance with Article 75(1) of Regulation (EU) 2017/625.

Article 31

Monitoring of delivery of goods to a vessel leaving the Union territory

1. The competent authorities of the border control post of introduction into the Union or of the warehouse shall notify the dispatch of consignments of goods referred to in Article 19 and Article 23(1) and their place of destination to the competent authority of the port of destination, through the IMSOC.
2. The operator may unload consignments of the goods referred to in Article 19 and Article 23(1) at the port of destination before the delivery of the consignments to the vessel leaving the Union territory provided that the operation is authorised and supervised by the customs authority, and the conditions of delivery indicated in the notification referred to in paragraph 1 are met.
3. Upon completion of delivery on board the vessel of the consignments of goods referred to in paragraph 1, the competent authority of the port of destination or the representative of the master of the vessel shall confirm the delivery to the competent authorities of the border control post of introduction into the Union or of the warehouse, either by:
 - (a) countersigning the official certificate referred to in point (c) of Article 29, or
 - (b) use of electronic means, including through IMSOC or existing national systems.
4. The representative referred to in paragraph 3 or the operator responsible for the delivery of the consignment to the vessel leaving the Union territory shall return, within a period of 15 days from the date of delivery of the consignment, the countersigned official certificate referred to in paragraph 3(a), to the competent authorities of the border control post of introduction into the Union or of the warehouse.
5. The competent authority of the port of destination, the competent authorities of border control post of introduction into the Union or the competent authority of the warehouse shall verify that the confirmation of delivery referred to in paragraph 3 is recorded in the IMSOC or that the countersigned documents referred to in point (a) of paragraph 3 are returned to the competent authorities of the border control post of introduction into the Union or to the competent authority of the warehouse.

SECTION 3

OFFICIAL CONTROLS AT THE BORDER CONTROL POST WHERE GOODS LEAVE THE UNION TERRITORY

Article 32

Operator's obligations to present goods leaving the Union territory for official controls

1. Operators shall present products of animal origin, germinal products, animal by-products, derived products, hay and straw and composite products which leave the Union territory to be transported to a third country for official controls to the competent authorities of the border control post indicated in the CHED, at a location indicated by those competent authorities of the border control post.
2. Operators shall present the goods referred to in paragraph 1 which leave the Union territory to be dispatched to a NATO or US military base located in a third country, for official controls to the competent authorities of the border control post indicated in the official certificate in accordance with the model set out in Annex to Implementing Regulation (EU) 2019/XXX [adopted on the basis of Article 77(3)(a) and Article 90(a) of Regulation (EU) No 2017/625 C(2019)7000].

Article 33

Official controls at the border control post where goods leave the Union territory

1. The competent authorities of the border control post where germinal products, animal by-products, hay and straw and composite products leave the Union territory shall perform an identity check to ensure that the consignment presented corresponds to the consignment referred to in the CHED or in the official certificate referred to in Article 29(c) accompanying the consignment. In particular, they shall verify that the seals fixed on the vehicles or transport containers, in accordance with point (d) of Article 19, point (d) of Article 28 or point (e) of Article 29 are still intact.
2. The competent authorities of the border control post where goods referred in paragraph 1 leave the Union territory shall record the outcome of official controls in part III of the CHED or part III of the official certificate in accordance with the model set out in Annex to Implementing Regulation (EU) 2019/XXX [adopted on the basis of Article 77(3)(a) and Article 90(a) of Regulation (EU) No 2017/625 C(2019)7000]. The competent authorities of the border control post responsible for checks referred in paragraph 1 shall record the outcome of these controls in the IMSOC.

SECTION 4

DEROGATIONS FOR CONSIGNMENTS IN TRANSIT

Article 34

Transit of certain animals and certain goods

1. By way of derogation from Articles 18 and 19, the competent authorities of the border control posts of introduction into the Union may authorise transit through the Union territory of the following consignments subject to the compliance with the conditions laid down in paragraph 2:
 - (a) Transit by road through Lithuania of consignments of bovine animals for breeding and production, coming from the Russian region of Kaliningrad and

consigned to a destination outside the Union, entering and exiting through the designated border control posts of Lithuania.

- (b) Transit by road or by rail through the Union of consignments of aquaculture animals, between border control posts in Latvia, Lithuania and Poland, coming from and destined for Russia, directly or via another third country.
- (c) Transit by road or by rail through the Union of consignments of products of animal origin, composite products, animal by-products, derived products and germinal products of bovine, porcine, ovine, caprine, equine animals, specified pathogen-free eggs, between border control posts in Latvia, Lithuania and Poland, coming from and destined to Russia, directly or via another third country.
- (d) Transit by road or rail of consignments of eggs, egg products and poultry meat, between border control posts in Lithuania, coming from Belarus and destined for the Russian region of Kaliningrad.
- (e) Transit by road through Croatia of consignments of aquaculture animals, products of animal origin, composite products, animal by-products, derived products and germinal products of bovine, porcine, ovine, caprine, equine animals, specific pathogen free eggs coming from Bosnia and Herzegovina, entering at the road border control post of Nova Sela and exiting at the port border control post of Ploče.

2. The authorisation referred to in paragraph 1 shall be subject to compliance with the following conditions:

- (a) The competent authorities of the border control post of introduction into the Union shall:
 - (i) perform documentary checks, identity checks and physical checks for consignments of animals as provided for in Article 18;
 - (ii) perform documentary checks and identity checks for consignments of products of animal origin, germinal products, animal by-products, derived products, hay and straw and composite products as provided for in Article 19;
 - (iii) stamp the official certificates accompanying the consignments intended for the third country of destination ‘ONLY FOR TRANSIT VIA THE EU’;
 - (iv) retain copies or electronic equivalents of the certificates referred to in (iii) at the border control post of introduction into the Union;
 - (v) seal the vehicles or transport containers transporting the consignments.
- (b) The operator responsible for the consignment shall ensure that consignments are directly transported under customs supervision, without being unloaded, to the border control post where consignments are to leave the Union territory.
- (c) The competent authorities of the border control post where the goods leave the Union territory shall:
 - (i) perform an identity check to confirm that the consignment covered by the accompanying CHED actually leaves the Union territory. In particular,

they shall verify that the seals fixed on the vehicles or transport containers are still intact;

- (ii) record the outcome of the official controls referred to in (i) in the IMSOC.
- (d) The competent authorities of the Member States shall carry out risk-based controls to ensure that the number of consignments and the quantities of animals and goods leaving the Union territory match the number and quantities entering the Union territory.

Article 35

Transit of goods to NATO or US military base located in the Union territory

1. Products of animal origin, germinal products, animal by-products, derived products, hay and straw and composite products destined for a NATO or US military base located in the Union territory, shall be presented by the operator responsible for the consignment for official controls at the NATO or US military base indicated in the CHED or in the accompanying official certificate in accordance with the model set out in Annex to Implementing Regulation (EU) 2019/XXX [adopted on the basis of Article 77(3)(a) and Article 90(a) of Regulation (EU) No 2017/625 C(2019)7000].
2. The competent authority responsible for controls at the NATO or US military base at the place of destination shall perform an identity check to confirm that the consignment corresponds to the one covered by the CHED or by the accompanying official certificate in accordance with the model laid down in Annex to Commission Implementing Regulation (EU) XXX/2019 [adopted on the basis of Article 77(3)(a) and Article 90(a) of Regulation (EU) No 2017/625 C(2019)7000]. In particular, it shall verify that the seals fixed on the vehicles or transport containers, in accordance with point (d) of Article 19 and point (e) of Article 29, are still intact. The competent authority responsible for controls at the NATO or US military base shall record the outcome of these controls in the IMSOC.

Article 36

Transit of goods refused by a third country after their transit through the Union

1. The competent authorities of the road or of the rail border control post of introduction into the Union may authorise further transit through the Union territory of products of animal origin, germinal products, animal by-products, derived products, hay and straw and composite products subject to compliance with the following conditions:
 - (a) the consignment of goods was refused entry by a third country immediately after their transit through the Union or the seals placed by the competent authorities referred to in point (d) of Article 19, point (d) of Article 28 or point (e) of Article 29 on the vehicle or transport container are still intact;
 - (b) the consignment complies with the rules laid down in points (a), (b) and (c) of Article 19.
2. The competent authorities of the road or of the rail border control post of introduction into the Union shall re-seal the consignment after the checks referred to in points (b) and (c) of Article 19.

3. The operators shall directly transport the consignment to one of the following destinations:
 - (a) the border control post which authorised transit through the Union; or
 - (b) the warehouse where it was stored before refusal by a third country.

Chapter V

Transit of animals and goods from one part of the Union territory to another part of the Union territory, and passing through the territory of a third country

Article 37

Transit of animals, products of animal origin, germinal products, animal by-products, derived products, hay and straw and composite products

1. The competent authorities of the Member States shall ensure that consignments of animals and products of animal origin, germinal products, animal by-products, derived products, hay and straw and composite products, which are moved from one part of the Union territory to another part of the Union territory, passing through the territory of a third country are transported under customs supervision.
2. The operators responsible for consignments referred to in paragraph 1 which have passed through the territory of a third country shall present the consignments when they are re-introduced into the Union territory to:
 - (a) to the competent authorities of a border control post designated for any category of the animals and the goods referred to in paragraph 1; or
 - (b) a location, indicated by the competent authorities referred to in point (a), which is in the close vicinity of the border control post.
3. The competent authorities of the border control post of re-introduction into the Union shall:
 - (a) perform a documentary check to verify the origin of the animals and goods comprising the consignment;
 - (b) where required by the rules referred to in points (d) and (e) of Article 1(2) of Regulation (EU) 2017/625, verify the animal health status of the third countries through which the consignments have transited and the relevant official certificates and documents accompanying the consignments;
 - (c) where required by the rules referred to in points (d) and (e) of Article 1(2) of Regulation (EU) 2017/625, perform an identity check to verify that the seals put on the vehicles or transport containers are still intact.
4. When non-compliance with the rules referred to in Article 1(2) of Regulation (EU) 2017/625 is suspected, the competent authorities of the border control post of re-introduction into the Union shall perform in addition identity checks and physical checks in addition to those provided for in paragraph 3.
5. Operators shall present consignments of animals, moving from one part of the Union territory to another part of the Union territory and passing through the territory of a third country, for official checks at the exit point from the Union territory.
6. The competent authority at the exit point from the Union shall:

- (a) perform the checks where required by the rules referred to in points (d) and (e) of Article 1(2) of Regulation (EU) 2017/625;
- (b) stamp the official certificate accompanying the consignment with the following wording ‘ONLY FOR TRANSIT BETWEEN DIFFERENT PARTS OF THE EUROPEAN UNION VIA [third country name]’.

Article 38

Neum corridor

1. When consignments of products of animal origin, germinal products, animal by-products, derived products, hay and straw and composite products come from the territory of Croatia for transit through the territory of Bosnia and Herzegovina at the Neum corridor and before those consignments leave the territory of Croatia via the points of entry of Klek or Zaton Doli, the competent authorities of Croatia shall:
 - (a) seal the vehicles or transport containers before the consignment transits the Neum corridor;
 - (b) record the date and time of departure of the vehicles transporting the consignments.
2. When the consignments referred to in paragraph 1 re-enter the territory of Croatia at the points of entry of Klek or Zaton Doli, the competent authorities of Croatia shall:
 - (a) verify that the seals on vehicles or transport containers are still intact,
 - (b) record the date and time of arrival of the vehicles transporting consignments.
3. The competent authorities of Croatia shall take appropriate measures in accordance with Article 65 of Regulation (EU) 2017/625 where:
 - (a) the seal referred to in paragraph 1 has been broken during the transit through the Neum corridor; or
 - (b) the time of transit exceeds the time necessary to travel between the points of entry of Klek and Zaton Doli.

Chapter VI

Final provisions

Article 39

Repeals

Decisions 2000/208/EC and 2000/571/EC, and Implementing Decision 2011/215/EU are repealed with effect from 14 December 2019.

Article 40

Amendments to Decision 2007/777/EC

Decision 2007/777/EC is amended as follows:

- (1) Article 6 is amended as follows:
 - (a) in paragraph 1, points (b), (c) and (d) are deleted;
 - (b) paragraphs 2 and 3 are deleted;
- (2) Article 6a is amended as follows:

- (a) in paragraph 1, points (b), (c) and (d) are deleted;
- (b) paragraphs 2 and 3 are deleted.

Article 41

Amendments to Regulation (EC) No 798/2008

Article 18 of Regulation (EC) No 798/2008 is amended as follows:

- (1) in paragraph 1, points (b), (c) and (d) are deleted;
- (2) in paragraph 2, points (b), (c) and (d) are deleted;
- (3) paragraphs 3 and 4 are deleted.

Article 42

Amendments to Regulation (EC) No 1251/2008

Article 17 of Regulation (EC) No 1251/2008 is amended as follows:

- (1) in paragraph 1, points (b), (c) and (d) are deleted;
- (2) paragraphs 2 and 3 are deleted.

Article 43

Amendments to Regulation (EC) No 119/2009

Article 5 of Regulation (EC) No 119/2009 is amended as follows:

- (1) in paragraph 1, points (b), (c) and (d) are deleted;
- (2) paragraphs 2 and 3 are deleted.

Article 44

Amendments to Regulation (EU) No 206/2010

Regulation (EU) No 206/2010 is amended as follows:

- (1) Article 12a is amended as follows:
 - (a) in paragraph 1, points (d) and (e) are deleted;
 - (b) paragraph 2 is deleted;
 - (c) paragraph 4 is deleted;
- (2) Article 17 is amended as follows:
 - (a) in paragraph 1, points (b), (c) and (d) are deleted;
 - (b) paragraphs 2 and 3 are deleted;
- (3) Article 17a is amended as follows:
 - (a) in paragraph 1, points (b), (c) and (d) are deleted;
 - (b) paragraphs 2 and 3 are deleted.

Article 45

Amendments to Regulation (EU) No 605/2010

Regulation (EU) No 605/2010 is amended as follows:

- (1) Article 7 is amended as follows:
 - (a) in paragraph 1, points (b), (c) and (d) are deleted;
 - (b) paragraphs 2 and 3 are deleted
- (2) in Article 7a, paragraphs 2 and 3 are deleted.

Article 46

Amendments to Regulation (EU) No 142/2011

Regulation (EU) No 142/2011 is amended as follows:

- (1) Article 29 is amended as follows:
 - (a) in paragraph 1, points (b), (c) and (d) are deleted;
 - (b) paragraphs 2 and 3 are deleted;
- (2) Article 29a is amended as follows:
 - (a) in paragraph 1, points (b), (c) and (d) are deleted;
 - (b) paragraphs 2 and 3 are deleted.

Article 47

Amendments to Regulation (EU) No 28/2012

Regulation (EU) No 28/2012 is amended as follows:

- (1) Article 5 is amended as follows:
 - (a) in paragraph 1, points (b), (c) and (d) are deleted;
 - (b) paragraphs 2 and 3 are deleted;
- (2) Article 5a is amended as follows:
 - (a) in paragraph 1, points (b), (c) and (d) are deleted;
 - (b) paragraphs 2 and 3 are deleted.

Article 48

Amendments to Implementing Regulation (EU) 2016/759

Article 5 of Implementing Regulation (EU) 2016/759 is amended as follows:

- (1) in paragraph 1, points (b), (c) and (d) are deleted;
- (2) paragraphs 2 and 3 are deleted.

Article 49

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, 10.10.2019

*For the Commission
The President
Jean-Claude JUNCKER*