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Delegations will find attached document D064516/02 ANNEX.

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Encl.: D064516/02 ANNEX



Brussels, **XXX**  
SANTE/7097/2018 ANNEX  
(POOL/G2/7097/2018/7097-EN  
ANNEX.docx) D064516/02  
[...](2019) **XXX** draft

ANNEX

**ANNEX**

**to the**

**COMMISSION REGULATION (EU) .../..**

**amending Regulation (EU) No 142/2011 as regards requirements for animal by-products and derived products originating from, and returning to, the Union following refusal of entry by a third country**

## ANNEX

In Annex XIV to Regulation (EU) 142/2011, the following Chapter VI is added:

### "CHAPTER VI

#### **REQUIREMENTS FOR THE ENTRY OF CONSIGNMENTS OF ANIMAL BY-PRODUCTS AND DERIVED PRODUCTS ORIGINATING FROM, AND RETURNING TO, THE UNION FOLLOWING REFUSAL OF ENTRY BY A THIRD COUNTRY**

##### **SECTION 1**

##### **Unpackaged or in bulk animal by-products and derived products, originating from, and returning to, the Union following refusal of entry by a third country not listed as a whole or part of its territory in Annex XIV**

1. The competent authority at the border control post shall only authorize the entry into the Union of consignments of unpackaged or in bulk animal by-products or derived products originating from, and returning to, the Union following a refusal of entry by a third country not listed as a whole or part of its territory in Annex XIV for the entry into the Union of the type of product, where the following conditions are met:
  - (a) the consignment is accompanied by the official certificate or document, either in its original or as authenticated copy, or by the electronic equivalent of such certificate or document generated by use of IMSOC<sup>1</sup>, issued by the competent authority of the Member State of export;
  - (b) the consignment is accompanied by a declaration from the competent authority in the Member State of destination in which that authority agrees to receive the consignment and indicates the place of destination;
  - (c) the consignment complies with both of the following conditions:
    - (i) it has remained sealed with an intact original seal, if the application of a seal prior to leaving the Union was mentioned in the original certificate referred to in point 1(a) or another official document issued by an authority in the Union;
    - (ii) it is accompanied by an official declaration of the competent authority or other public authority of the third country which refused the entry of the consignment indicating the reason for the refusal.
2. By way of derogation from point 1(a), in the case where the consignment was exported without accompanying official certificate or document, the origin of the consignment shall be authenticated in another way based on documented evidence presented by the operator responsible for the consignment.
3. The transport of consignments of products referred to in point 1 from the border control post to the place of destination shall be monitored in accordance with Article 2 of Commission Delegated Regulation (EU) 2019/1666.

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<sup>1</sup> Commission Implementing Regulation (EU) .../... [Publications Office: Insert reference to SANTE/7064/2019] laying down rules for the functioning of the information management system for official controls and its system components ('the IMSOC Regulation').

## SECTION 2

### **Unpackaged or in bulk animal by-products and derived products originating from, and returning to, the Union following refusal of entry by a third country listed as a whole or part of its territory in Annex XIV**

1. The competent authority at the border control post shall only authorize the entry into the Union of consignments of unpackaged or in bulk animal by-products or derived products originating from, and returning to, the Union following a refusal of entry by a third country listed as a whole or part of its territory in Annex XIV for the entry into the Union of the type of product, where the requirements set out in points 1(a), (b) and (c)(ii), 2 and 3 of Section 1 are met.
2. Where the products referred to in point 1 have been unloaded, stored, re-loaded or the original seal has been replaced in or upon entry into the third country or part of its territory listed in Annex XIV, the consignment shall be accompanied by an official declaration of the competent authority or other public authority of that third country or territory:
  - (a) indicating the place and date of unloading, storage and re-loading and the seal number put on the container after reloading;
  - (b) confirming that:
    - (i) the seal on the vehicle or container of the consignment was only broken for the purpose of official controls;
    - (ii) the products were handled only to the extent necessary, and in particular
      - at the appropriate temperature required for the relevant types of animal by-products or derived products; and
      - in a way that prevents cross contamination of the products during the controls;
    - (iii) the vehicle or container was immediately re-sealed after the official controls
  - (c) indicating the reasons for unloading and storage.

## SECTION 3

### **Packaged animal by-products and derived products originating from, and returning to, the Union following a refusal of entry by a third country**

1. The competent authority at the border control post shall only authorize the entry into the Union of consignments of packaged animal by-products or derived products originating from, and returning to, the Union following a refusal of entry by a third country where the requirements set out in Section 1 are met and the individual packaging of the products has remained intact as compared to its state before exportation.
2. Where the products referred to in point 1 have been unloaded in a third country, the consignment is accompanied by an official declaration of the competent authority or other public authority of the third country attesting that the products:
  - (a) have not been subjected to any handling other than unloading, storage and re-loading;

- (b) were handled at the required temperature for the relevant types of animal by-products or derived products."