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COMMISSION DELEGATED REGULATION (EU) 2021/630
of 16 February 2021

supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards certain categories of goods exempted from official controls at border control posts and amending Commission Decision 2007/275/EC

(Text with EEA relevance)

(OJ L 132, 19.4.2021, p. 17)

Amended by:

Official Journal

		No	page	date
► <u>M1</u>	Commission Delegated Regulation (EU) 2022/887 of 28 March 2022	L 154	23	7.6.2022
► <u>M2</u>	Commission Delegated Regulation (EU) 2022/1615 of 22 April 2022	L 243	1	20.9.2022

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Article 1

Subject matter

This Regulation establishes rules concerning:

- (1) the cases where and the conditions under which composite products are exempted from official controls at border control posts and when such exemption is justified;
- (2) the performance of specific official controls on composite products exempted from official controls at border control posts.

Article 2

Definitions

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

- (1) ‘composite product’ means composite product as defined in point (14) of Article 2 of Delegated Regulation (EU) 2019/625;
- (2) ‘shelf-stable composite products’ means products that do not need to be transported or stored under controlled temperatures.

Article 3

Composite products exempted from official controls at border control posts

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1. The following shelf-stable composite products shall be exempted from official controls at border control posts:

- (a) shelf-stable composite products that do not contain colostrum-based products or processed meat other than gelatine, collagen or highly refined products referred to in Section XVI of Annex III to Regulation (EC) No 853/2004 of the European Parliament and of the Council ⁽¹⁾, provided they meet the following requirements:

⁽¹⁾ Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin (OJ L 139, 30.4.2004, p. 55).

▼M1

- (i) they comply with the requirements for entry into the Union laid down in Article 12(2) of Delegated Regulation (EU) 2019/625;
- (ii) any dairy and egg products contained in the shelf-stable composite products comply with Article 163(1) of Delegated Regulation (EU) 2020/692;
- (iii) they are identified as intended for human consumption;
- (iv) they are securely packaged or sealed; and
- (v) they are listed in the Annex to this Regulation;

(b) shelf-stable composite products where all the animal products present in the final composite product fall within the scope of Regulation (EC) No 1332/2008 of the European Parliament and of the Council ⁽¹⁾, Regulation (EC) No 1333/2008 of the European Parliament and of the Council ⁽²⁾ or Regulation (EC) No 1334/2008 of the European Parliament and of the Council ⁽³⁾, or that animal part is vitamin D3 only.

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2. At the time of placing on the market, shelf-stable composite products referred to in paragraph 1 shall be accompanied by a private attestation in accordance with the model laid down in Annex V to Commission Implementing Regulation (EU) 2020/2235 ⁽⁴⁾.

⁽¹⁾ Regulation (EC) No 1332/2008 of the European Parliament and of the Council of 16 December 2008 on food enzymes and amending Council Directive 83/417/EEC, Council Regulation (EC) No 1493/1999, Directive 2000/13/EC, Council Directive 2001/112/EC and Regulation (EC) No 258/97 (OJ L 354, 31.12.2008, p. 7).

⁽²⁾ Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives (OJ L 354, 31.12.2008, p. 16).

⁽³⁾ Regulation (EC) No 1334/2008 of the European Parliament and of the Council of 16 December 2008 on flavourings and certain food ingredients with flavouring properties for use in and on foods and amending Council Regulation (EEC) No 1601/91, Regulations (EC) No 2232/96 and (EC) No 110/2008 and Directive 2000/13/EC (OJ L 354, 31.12.2008, p. 34).

⁽⁴⁾ Commission Implementing Regulation (EU) 2020/2235 of 16 December 2020 laying down rules for the application of Regulations (EU) 2016/429 and (EU) 2017/625 of the European Parliament and of the Council as regards model animal health certificates, model official certificates and model animal health/official certificates, for the entry into the Union and movements within the Union of consignments of certain categories of animals and goods, official certification regarding such certificates and repealing Regulation (EC) No 599/2004, Implementing Regulations (EU) No 636/2014 and (EU) 2019/628, Directive 98/68/EC and Decisions 2000/572/EC, 2003/779/EC and 2007/240/EC (OJ L 442, 30.12.2020, p. 1).

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Article 4

Official controls on composite products exempted from official controls at border control posts

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1. The competent authorities shall perform official controls on shelf-stable composite products referred to in Article 3 regularly, on a risk basis and with appropriate frequency, taking into account the criteria referred to in Article 44(2) of Regulation (EU) 2017/625.

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2. The official controls referred to in paragraph 1 shall be performed at any of the following places within the customs territory of the Union:

- (a) the place of destination;
- (b) the point of release for free circulation in the Union;
- (c) the warehouses or the premises of the operator responsible for the consignment.

3. The official controls referred to in paragraph 1 shall be performed in accordance with Articles 45 and 46 of Regulation (EU) 2017/625.

Article 5

Amendments to Decision 2007/275/EC

Decision 2007/275/EC is amended as follows:

- (1) Article 6 is deleted;
- (2) Annex II is deleted.

Article 6

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 21 April 2021.

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

▼B*ANNEX***List of composite products exempted from official controls at border control posts (Article 3)**

This list sets out composite products, in accordance with the Combined Nomenclature (CN) in use in the Union, that do not need to be submitted for official controls at border control posts.

Notes relating to the table:

Column (1) – CN code

This column indicates the CN code. The CN, established by Regulation (EEC) No 2658/87, is based on the Harmonized Commodity Description and Coding System ('Harmonized System (HS)') drawn up by the Customs Cooperation Council, now the World Customs Organisation, and approved by Council Decision 87/369/EEC ⁽¹⁾. The CN reproduces the headings and subheadings of the HS to six digits. The seventh and eighth digits identify further CN subheadings.

Where a four-, six- or eight-digit code not marked with 'ex' is used, and unless otherwise specified, all composite products prefixed with or covered by these four-, six- or eight-digits are not required to be submitted for official controls at border control posts.

Where only certain specified composite products under any four-, six- or eight-digit code contain animal products and no specific subdivision under this code exists in the CN, the code is marked 'ex'. For example, with respect to 'ex 2001 90 65', checks at border control posts are not required for the products outlined in column (2).

Column (2) – Explanations

This column gives details of the composite products covered by the exemption from official controls at border control posts.

CN codes	Explanations
(1)	(2)
1704, ex 1806 20, ex 1806 31 00, ex 1806 32, ex 1806 90 11, ex 1806 90 19, ex 1806 90 31, ex 1806 90 39, ex 1806 90 50, ex 1806 90 90	Confectionery (including sweets), chocolate and other food preparations containing cocoa that meet the requirements of Article 3(1)
ex 1902 19, ex 1902 30, ex 1902 40	Pasta, noodles and couscous that meet the requirements of Article 3(1)

⁽¹⁾ Council Decision 87/369/EEC of 7 April 1987 concerning the conclusion of the International Convention on the Harmonized Commodity Description and Coding System and of the Protocol of Amendment thereto (OJ L 198, 20.7.1987, p. 1).

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CN codes	Explanations
(1)	(2)
ex 1905 10, ex 1905 20, ex 1905 31, ex 1905 32, ex 1905 40, ex 1905 90	Bread, cakes, biscuits, waffles and wafers, rusks, toasted bread and similar toasted products that meet the requirements of Article 3(1)
ex 2001 90 65, ex 2005 70 00, ex 1604	Olives stuffed with fish that meet the requirements of Article 3(1)
2101	Extracts, essences and concentrates, of coffee, tea or maté and preparations with a basis of these products or with a basis of coffee, tea or mate thereof that meet the requirements of Article 3(1). Roasted chicory and other roasted coffee substitutes, and extracts, essences and concentrates thereof that meet the requirements of Article 3(1).
ex 2104	Soup stocks and flavourings packaged for the final consumer that meet the requirements of Article 3(1)
ex 2106	Food supplements packaged for the final consumer, containing processed animal products (including glucosamine, chondroitin or chitosan) that meet the requirements of Article 3(1)
ex 2208 70	Liqueurs and cordials that meet the requirements of Article 3(1)