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# COMMISSION IMPLEMENTING REGULATION (EU) 2019/2129

**of 25 November 2019**

**establishing rules for the uniform application of frequency rates for identity checks and physical checks on certain consignments of animals and goods entering the Union**

**(Text with EEA relevance)**

(OJ L 321, 12.12.2019, p. 122)

Amended by:

| | | Official Journal | | |
|---|---|---|---|---|
| | | No | page | date |
| ►**M1** | Commission Implementing Regulation (EU) 2021/2141 of 3 December 2021 | L 433 | 5 | 6.12.2021 |

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# COMMISSION IMPLEMENTING REGULATION (EU) 2019/2129

**of 25 November 2019**

**establishing rules for the uniform application of frequency rates for identity checks and physical checks on certain consignments of animals and goods entering the Union**

**(Text with EEA relevance)**

*Article 1*

**Subject matter and scope**

This Regulation lays down rules for the uniform application of the appropriate frequency rate of identity checks and physical checks on consignments of animals and goods referred to in Article 47(1)(a) and (b) of Regulation (EU) 2017/625 intended to be placed on the market.

*Article 2*

**Definitions**

For the purpose of this Regulation,

1. ‘frequency rate’ means the minimum percentage of consignments of animals and goods referred to in Article 1, determined in accordance with this Regulation, of the number of consignments arrived at the border control post during an identified period, for which identity checks and physical checks are to be carried out by the competent authorities;

2. ‘IMSOC’ means the information management system for official controls referred to in Article 131 of Regulation (EU) 2017/625.

*Article 3*

**Selection of consignments for physical checks**

1. The competent authorities shall select consignments for physical checks in accordance with the following procedure:

(a) a random selection of a consignment is automatically generated by the IMSOC;

(b) the competent authorities may decide to select the consignment in accordance with point (a) or to select a different consignment of the same category of goods and the same origin of goods.

2. For each consignment selected for physical checks in accordance with paragraph 1 of this Article, the competent authorities shall perform identity checks as referred to in Article 3(1) of Implementing Regulation (EU) 2019/2130.

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*Article 4*

**Frequency rates for identity checks and physical checks**

1. The competent authorities shall perform identity checks and physical checks on consignments of animals, products of animal origin, germinal products, animal by-products, derived products, hay and straw and composite products at the frequency rates determined in accordance with Article 5.

2. For the third countries listed in Annex II with which the Union has concluded agreements of equivalence, physical checks shall be carried out according to the frequency rates established by these agreements.

*Article 5*

**Determination and modification of frequency rates for identity checks and physical checks performed on animals, products of animal origin, germinal products, animal by-products, derived products, hay and straw and composite products**

1. The baseline frequency rates for identity checks and for physical checks on consignments of animals and goods referred to in Article 1 are set out in Annex I to this Regulation, based on the scientific assessments and information referred to in points (a)(v) and (vi) of the first subparagraph of Article 54(3) of Regulation (EU) 2017/625.

2. The frequency rate for physical checks on specific goods from a specific third country may be increased where serious deficiencies are identified based on:

(a) information collected by the Commission in accordance with Article 125(1) of Regulation (EU) 2017/625; or

(b) the outcome of controls performed by Commission experts in accordance with Article 120(1) of Regulation (EU) 2017/625.

In this case, the frequency rate determined in accordance with paragraph 1 is increased to the next higher baseline frequency rate set out in Annex I or to a frequency rate of 50 % where the frequency rate applicable to the specific category of goods is at 30 %,

3. The frequency rate of physical checks shall be increased from the baseline frequency rate determined in accordance with paragraph 1 to the next higher baseline frequency rate set out in Annex I, or to a frequency rate of 50 % if the frequency rate applicable to the specific category of goods is at 30 %, where data and information collected via the IMSOC indicate for specific goods from a specific third country a level of non-compliance with respect to physical checks in the last 12 months, for the same category of goods, which exceeds by 30 % the average rate of non-compliance for the same category of goods from all third countries.

4. Where the criteria referred to in paragraph 2 or in paragraph 3 are no longer met, the frequency rate shall be reduced to the respective baseline frequency rate set out in Annex I.

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5. The Commission shall make frequency rates determined in accordance with this Article available to competent authorities and to operators through the IMSOC.

*Article 6*

**Repeals**

Decision 94/360/EC is repealed with effect from 14 December 2019.

*Article 7*

**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.

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*ANNEX I*

**Baseline criteria for determining the baseline frequency rates for the identity checks and physical checks of the consignments of animals, products of animal origin, germinal products, animal by-products, derived products, hay and straw and composite products**

| Baseline criteria for determining baseline frequency rates for identity checks and physical checks | | Baseline frequency rates that apply to | |
|---|---|---|---|
| Risk category | Category of animals or goods (*) | Identity checks | Physical checks |
| I | Animals | 100 % | 100 % |
| II | — Minced meat, mechanically separated meat and meat preparations for human consumption ('HC')<br>— Poultry meat for HC<br>— Rabbit meat, game meat, and their meat products for HC<br>— Eggs for HC<br>— Egg products for HC which are preserved at frozen or chilled temperatures<br>— Milk for HC<br>— Dairy products and colostrum-based products for HC, which are preserved at frozen or chilled temperatures<br>— Fishery products from aquaculture and bivalve molluscs for HC, which are not in hermetically sealed containers intended to render them stable at ambient temperature<br>— Animal by-products and derived products, for feeding of farmed animals | 100 % | 30 % |
| III | — Meat other than meat mentioned in risk category II, and meat products derived from such meat, for HC<br>— Rendered animal fat and greaves for HC<br>— Poultry meat products for HC<br>— Egg products for HC, other than those mentioned in risk category II<br>— Dairy products and colostrum-based products for HC other than those mentioned in risk category II<br>— Fishery products other than those mentioned in risk category II<br>— Honey and other apiculture products for HC<br>— Composite products other than those mentioned in risk category IV<br>— Hatching eggs<br>— Organic fertilisers and soil improvers, derived from animal by-products<br>— Frog legs and snails for HC<br>— Insects for HC | 100 % | 15 % |
| IV | — Gelatine and collagen for HC<br>— Casings<br>— Semen and embryos<br>— Animal by-products and derived products, other than those mentioned in risk categories II and III<br>— Composite products falling within Article 12(2), point (c), of Delegated Regulation (EU) 2019/625 | 100 % | 5 % |
| V | — Highly refined products for HC<br>— Hay and straw<br>— Other goods than those mentioned in risk categories II, III and IV | 100 % | 1 % |

(*) The frequency rates for physical checks of consignments of trade samples shall be in accordance with the description of the categories of goods provided in this Annex.

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*ANNEX II*

**List of certain third countries referred to in Article 4(2) and frequencies of physical checks**

1. **New Zealand**

   In the case of New Zealand, the frequencies shall be those provided for in the Agreement which was approved by Council Decision 97/132/EC ([1]) in the form of an Exchange of Letters concerning the provisional application of the Agreement between the European Community and New Zealand on sanitary measures applicable to trade in live animals and animal products.

2. **Canada**

   In the case of Canada, the frequencies shall be those provided for in Annex VIII to the Agreement which was approved by Council Decision 1999/201/EC ([2]).

3. **Chile**

   In the case of Chile, the frequencies shall be those provided for in the Agreement on Sanitary and Phytosanitary Measures applicable to Trade in Animals and Animal Products, Plants, Plant Products and other Goods and Animal Welfare set out in Annex IV to the Association Agreement which was approved by Council Decision 2002/979/EC ([3]).

([1]) Council Decision 97/132/EC of 17 December 1996 on the conclusion of the Agreement between the European Community and New Zealand on sanitary measures applicable to trade in live animals and animal products (OJ L 57, 26.2.1997, p. 4).

([2]) Council Decision 1999/201/EC of 14 December 1998 on the conclusion of the Agreement between the European Community and the Government of Canada on sanitary measures to protect public and animal health in respect of trade in live animals and animal products (OJ L 71, 18.3.1999, p. 1).

([3]) Council Decision 2002/979/EC of 18 November 2002 on the signature and provisional application of certain provisions of an Agreement establishing an association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part (OJ L 352, 30.12.2002, p. 1).