COMMISSION IMPLEMENTING REGULATION (EU) 2021/1121

of 8 July 2021

specifying the details of the statistical data to be submitted by the Member States as regards controls on products entering the Union market with regard to product safety and compliance

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011 ([1]), and in particular Article 25(9) thereof,

Whereas:

(1) Article 25(6) of Regulation (EU) 2019/1020 requires Member States to submit to the Commission detailed statistical data covering controls performed by the authorities they designated pursuant to Article 25(1) of that Regulation with respect to products subject to Union law entering the Union market. In particular, Regulation (EU) 2019/1020 requires the statistical data to cover the number of interventions in the field of controls on such products with regard to product safety and compliance.

(2) It is necessary to specify the details of such statistical data.

(3) Where an intervention by the authorities designated under Article 25(1) of Regulation (EU) 2019/1020 has resulted in a requirement by market surveillance authorities not to release a product for free circulation pursuant to Article 28(1) and (2) of that Regulation, the statistical data on the number of interventions should be complemented with more detailed information about the product concerned in order to better understand issues and trends in product safety and compliance. The statistical data submitted may also contribute to enhancing risk management.

(4) While the statistical data submitted to the Commission on interventions in the field of controls should cover all controls on products entering the Union market, it should nonetheless cover only those controls where an intervention by the designated authorities has actually taken place. Therefore, the statistical data should not include data on controls carried out exclusively by electronic data-processing techniques.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 43 of Regulation (EU) 2019/1020,

HAS ADOPTED THIS REGULATION:

Article 1

1. The statistical data to be submitted under Article 25(6) of Regulation (EU) 2019/1020 shall include the following details of interventions in the field of controls on products subject to Union law with regard to product safety and compliance:

(a) the total number of interventions;

(b) the total number of interventions having resulted in a suspension of release for free circulation pursuant to Article 26(1) of Regulation (EU) 2019/1020;

(c) for each intervention having resulted either in a requirement by the relevant authorities for specific actions to be completed by the economic operators concerned or in a requirement by a market surveillance authority not to release a product for free circulation pursuant to Article 28(1) and (2) of Regulation (EU) 2019/1020:

(i) the date when the customs declaration was accepted by the customs authorities;

([1]) OJ L 169, 25.6.2019, p. 1.

(ii) an indicator of the type of customs declaration in the case of a customs declaration with a reduced dataset pursuant to Articles 143a and 144 of Commission Delegated Regulation (EU) 2015/2446 ([2]);

(iii) the country of origin (data element 16 08 000 000) or, if not available, the country of exporter (data sub-element 13 01 018 020);

(iv) the Harmonized System sub-heading code (data sub-element 18 09 056 000);

(v) where available, the Combined Nomenclature code (data sub-element 18 09 057 000);

(vi) the supplementary units (data element 18 02 000 000) or, if not available, the net mass (data element 18 01 000 000);

(vii) the mode of transport at the border (data element 19 03 000 000);

(viii) the main category of products concerned;

(ix) the main Union legislation infringed as established by the market surveillance authorities;

(x) an indicator of whether the product could be released for free circulation if the economic operators concerned complete specific actions as required by the relevant authorities.

2. The data referred to in paragraph 1 shall include the data on all controls, excluding controls carried out exclusively by electronic data processing techniques.

3. For the purposes of paragraph 1, where a customs declaration covers products falling under two or more items in that customs declaration, the intervention on each of the items shall be considered as a separate intervention.

4. For the purposes of paragraph 1, point (c), points (iii) to (vii), of this Article, the data to be submitted shall be the information available in the customs declaration under the corresponding data element of Annex B to Delegated Regulation (EU) 2015/2446. However, where Member States, in accordance with Articles 2, 143a and 144 of Delegated Regulation (EU) 2015/2446 or any other transitional rules set out in that Regulation, apply different data requirements to the customs declaration, the data to be submitted shall be the equivalent information available in the customs declaration subject to those data requirements.

Article 2

This Regulation shall enter into force on the third day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 16 July 2021.

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

Done at Brussels, 8 July 2021.

For the Commission
The President
Ursula VON DER LEYEN

([2]) Commission Delegated Regulation (EU) 2015/2446 of 28 July 2015 supplementing Regulation (EU) No 952/2013 of the European Parliament and of the Council as regards detailed rules concerning certain provisions of the Union Customs Code (OJ L 343, 29.12.2015, p. 1).