COMMISSION IMPLEMENTING REGULATION (EU) 2021/2141

of 3 December 2021

amending Implementing Regulation (EU) 2019/2129 as regards the frequency rates of physical checks on certain composite products entering the Union

(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 54(3), first subparagraph, points (a) and (c), thereof,

Whereas:

(1) Article 54(3) of Regulation (EU) 2017/625 empowers the Commission to establish rules for the uniform application of the appropriate frequency rate for identity checks and physical checks on consignments of the categories of animals and goods referred to in Article 47(1), points (a) and (b), of that Regulation.

(2) Annex I to Commission Implementing Regulation (EU) 2019/2129 ([2])establishes baseline criteria for determining the baseline frequency rates for the 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 entering the Union, taking into account available scientific assessments and any other information regarding the risks associated with the categories of animals or goods.

(3) Commission Delegated Regulation (EU) 2019/625 ([3]) has applied since 21 April 2021 and lays down new requirements for consignments of composite products entering the Union. Article 12(2) of that Delegated Regulation differentiates between different categories of composite products. These categories are based on the physico-chemical properties of the processed products of animal origin contained in each category of composite products and the risks associated with those processed products.

(4) The composite products falling within Article 12(2), point (c), of Delegated Regulation (EU) 2019/625 pose the lowest risk of the various categories of composite products falling within Article 12(2), points (a) to (c), of that Delegated Regulation. In addition, a low number of non-compliance cases was observed and recorded in the Information Management System for Official Controls during border controls for that category of composite products since the date of application of Delegated Regulation (EU) 2019/625. In order to ensure that the administrative burden for Member States is proportionate to the risk posed by the goods entering the Union, it is appropriate to reduce the baseline frequency of physical checks for that category of composite products to 5 per cent.

([1]) OJ L 95, 7.4.2017, p. 1.

([2]) 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 (OJ L 321, 12.12.2019, p. 122).

([3]) Commission Delegated Regulation (EU) 2019/625 of 4 March 2019 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council with regard to requirements for the entry into the Union of consignments of certain animals and goods intended for human consumption (OJ L 131, 17.5.2019, p. 18).

(5) Annex I to Implementing Regulation (EU) 2019/2129 should therefore be amended accordingly.

(6) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Implementing Regulation (EU) 2019/2129 is replaced by the text in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 3 December 2021.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

'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') — Poultry meat for HC — Rabbit meat, game meat, and their meat products for HC — Eggs for HC — Egg products for HC which are preserved at frozen or chilled temperatures — Milk for HC — Dairy products and colostrum-based products for HC, which are preserved at frozen or chilled temperatures — Fishery products from aquaculture and bivalve molluscs for HC, which are not in hermetically sealed containers intended to render them stable at ambient temperature — 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 — Rendered animal fat and greaves for HC — Poultry meat products for HC — Egg products for HC, other than those mentioned in risk category II — Dairy products and colostrum-based products for HC other than those mentioned in risk category II — Fishery products other than those mentioned in risk category II — Honey and other apiculture products for HC — Composite products other than those mentioned in risk category IV — Hatching eggs — Organic fertilisers and soil improvers, derived from animal by-products — Frog legs and snails for HC — Insects for HC	100 %	15 %
IV	— Gelatine and collagen for HC — Casings — Semen and embryos — Animal by-products and derived products, other than those mentioned in risk categories II and III — Composite products falling within Article 12(2), point (c), of Delegated Regulation (EU) 2019/625	100 %	5 %
V	— Highly refined products for HC — Hay and straw — 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.'