

COMMISSION DELEGATED REGULATION (EU) 2019/2126**of 10 October 2019****supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards rules for specific official controls for certain categories of animals and goods, measures to be taken following the performance of such controls and certain categories of animals and goods exempted from official controls at border control posts****(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 48(h) and Article 77(1)(a), (b) and (k) thereof,

Whereas:

- (1) Article 77(1)(a), (b) and (k) of Regulation (EU) 2017/625 empowers the Commission to adopt rules for the performance of specific official controls for certain categories of animals and goods entering the Union and on measures to be taken in case of non-compliance.
- (2) In the interest of ensuring efficient official controls of consignments of unskinned, furred wild game introduced into the Union, specific control requirements should be laid down where physical controls are finalised at the establishment of destination since complete physical checks and sampling cannot be performed at border control posts.
- (3) In the interest of ensuring efficient official controls of fresh fishery products directly landed in Union ports, it should be allowed for official controls to be performed in ports designated by Member States in accordance with Council Regulation (EC) No 1005/2008 ⁽²⁾.
- (4) Article 77(1)(k) of Regulation (EU) 2017/625 empowers the Commission to adopt rules for the performance of specific official controls for animals and goods referred to in Article 48(h) of that Regulation posing a low risk or no specific risk and exempted from official controls at border control posts, when such an exemption is justified.
- (5) Where official controls are not performed at border control posts, conditions, such as adequate control arrangements, should be established to ensure that no unacceptable risks to public, animal and plant health are incurred where such animals and goods enter the Union.
- (6) In the case of frozen tuna posing low risk or no specific risk in accordance with Article 48(h) of Regulation (EU) 2017/625, official controls may be carried out at the processing establishment of destination, which is to be approved by the customs authorities for the temporary storage of non-Union goods in accordance with Regulation (EU) No 952/2013 of the European Parliament and of the Council ⁽³⁾.

⁽¹⁾ OJ L 95, 7.4.2017, p. 1.

⁽²⁾ Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999 (OJ L 286, 29.10.2008, p. 1).

⁽³⁾ Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1).

- (7) In the case of fishery products posing low risk or no specific risk in accordance with Article 48(h) of Regulation (EU) 2017/625 caught by vessels flying the flag of a Member State and introduced into the Union after being unloaded in third countries, as referred to in Article 72 of Commission Implementing Regulation (EU) 2019/627 ⁽⁴⁾, measures should be taken in case of suspected non-compliance.
- (8) Animals and goods entering the Union through certain Greek islands and through certain French territories pose a low risk given that such animals and goods are not placed on the market outside these islands or territories. Adequate official control requirements and measures should be established to ensure that such animals and goods are not placed on the market outside these islands or territories.
- (9) In order to rationalise and simplify the application of the legislative framework the rules on official controls under Article 77(1)(k) and Article 48(h) of Regulation (EU) 2017/625 should be adopted together with the rules on official controls on other categories of goods listed in Article 77(1)(a) and (b) of that Regulation.
- (10) These rules are substantially linked and many are intended to be applied in tandem. In the interest of simplicity and transparency, as well as to facilitate their application and avoid a multiplication of rules, they should therefore be laid down in a single act rather than in a number of separate acts with many cross-references and the risk of duplication.
- (11) Given that this Regulation lays down rules covered by Commission Decision 94/641/EC ⁽⁵⁾ and Commission Implementing Decision 2012/44/EU, ⁽⁶⁾ those legal acts should be repealed.
- (12) Since Regulation (EU) 2017/625 applies from 14 December 2019, this Regulation should also apply from that date,

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter

This Regulation establishes rules for the performance of specific official controls as regards certain categories of animals and goods and measures to be taken in case of non-compliance. It lays down rules for cases where and conditions under which certain categories of animals and goods are exempted from official controls at border control posts, and when such exemption is justified.

Article 2

Definitions

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

- (1) 'IMSOC' means the information management system for official controls referred to in Article 131 of Regulation (EU) 2017/625;
- (2) 'fresh fishery products' means fresh fishery products as defined in point 3.5 of Annex I to Regulation (EC) No 853/2004 of the European Parliament and of the Council ⁽⁷⁾;
- (3) 'frozen tuna' means tuna kept in compliance with the requirements set out in point (2) of Chapter VII of Section VIII of Annex III to Regulation (EC) No 853/2004.

⁽⁴⁾ Commission Implementing Regulation (EU) 2019/627 of 15 March 2019 laying down uniform practical arrangements for the performance of official controls on products of animal origin intended for human consumption in accordance with Regulation (EU) 2017/625 of the European Parliament and of the Council and amending Commission Regulation (EC) No 2074/2005 as regards official controls (OJ L 131, 17.5.2019, p 51).

⁽⁵⁾ Commission Decision 94/641/EC of 8 September 1994 laying down rules applicable to veterinary checks to be carried out on products imported into certain Greek islands from third countries (OJ L 248, 23.9.1994, p. 26).

⁽⁶⁾ Commission Implementing Decision 2012/44/EU of 25 January 2012 on the rules applicable to veterinary checks to be carried out on live animals and products of animal origin entering certain French overseas departments from third countries (OJ L 24, 27.1.2012, p. 14).

⁽⁷⁾ 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).

*Article 3***Unskinned, furred wild game**

1. The competent authority of the border control posts of first arrival into the Union may allow the dispatch of consignments of unskinned, furred wild game to the establishment at the place of destination without finalising physical checks if the consignments are dispatched in vehicles or containers in accordance with Articles 2 and 3 of Commission Delegated Regulation (EU) 2019/1666 ⁽⁸⁾.
2. The competent authority referred to in paragraph 1 shall inform the competent authority of the establishment at the place of destination of the necessity to finalise physical checks, in particular health checks and laboratory testing.
3. The competent authority of the establishment at the place of destination shall inform the competent authority referred to in paragraph 1 of the results of the physical checks referred to in paragraph 2.

*Article 4***Fresh fishery products directly landed in Union ports designated by Member States from a fishing vessel flying a third country flag**

Fresh fishery products directly landed from a fishing vessel flying a third country flag are exempted from official controls at border control posts provided that they are performed by competent authorities in Union ports designated by Member States in accordance with Article 5(1) of Regulation (EC) No 1005/2008.

*Article 5***Frozen tuna directly landed in Union ports designated by Member States from a fishing vessel flying a third country flag**

Member States may carry out, at the processing establishment of destination approved in accordance with Article 4 of Regulation (EC) No 853/2004, official controls of frozen tuna that has not been beheaded nor gutted and that has been landed directly in Union ports designated by Member States in accordance with Article 5(1) of Regulation (EC) No 1005/2008 from a fishing vessel flying a third country flag, subject to the following conditions:

- (a) the official controls are carried out by the competent authority of the nearest border control post;
- (b) the processing establishment of destination is approved by the customs authorities for the temporary storage of non-Union goods in accordance with Article 147(1) and Article 148 of Regulation (EU) No 952/2013;
- (c) the frozen tuna is dispatched from the vessel to the processing establishment of destination in sealed vehicles or transport containers, under the supervision of the competent authority carrying out the official controls and under the relevant customs procedure in accordance with Articles 134, 135, 140, 141 and Article 148(5) of Regulation (EU) No 952/2013;
- (d) prior to the arrival of the consignment at designated Union ports, the operator responsible for the consignment has notified the competent authority referred to in point (a) of this Article of the arrival of the consignment by submitting in the IMSOC a completed Common Health Entry Document (CHED) as referred to in Article 56 of Regulation (EU) 2017/625.

*Article 6***Fishery products intended for human consumption caught by vessels flying the flag of a Member State, unloaded in third countries**

1. Consignments of fishery products intended for human consumption caught by vessels flying the flag of a Member State, unloaded, with or without storage, in third countries before entering the Union by a different means of transportation as referred to in Article 72(1) of Implementing Regulation (EU) 2019/627 shall undergo documentary checks by the competent authority of the border control posts of first arrival into the Union.

⁽⁸⁾ Commission Delegated Regulation (EU) 2019/1666 of 4 June 2019 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards conditions for monitoring the transport and arrival of consignments of certain goods from the border control post of arrival to the establishment at the place of destination in the Union (OJ L 255, 4.10.2019, p. 1).

2. Consignments referred to in paragraph 1 may be exempted from identity and physical checks at border control posts provided that they comply with the conditions laid down in Article 72 of Regulation (EU) 2019/627.
3. When non-compliance with the rules referred to in Article 1(2) of Regulation (EU) 2017/625 is identified or suspected, the competent authority of the border control post of first arrival into the Union shall perform, in addition to documentary checks, identity and physical checks on the consignments referred to in paragraph 1 of this Article.

Article 7

Consignments entering the Union through certain Greek islands and certain French territories

1. Products of animal origin and composite products entering the Union from third countries through the authorised points of entry in the Greek islands of Rhodes, Mitilini and Iraklio (Crete) for local use in the Greek island of the point of entry are exempted from official controls at border control posts.
2. Animals, products of animal origin and composite products entering the Union from third countries through the authorised points of entry in the French overseas departments of Guadeloupe, French Guiana, Martinique and Mayotte for local use in the French overseas department of the point of entry are exempted from official controls at border control posts.

Article 8

Specific official controls on consignments entering the Union through certain Greek islands and certain French territories

1. Consignments referred to in Article 7 shall be subject, for each authorised point of entry, to checks in accordance with Annex I.
2. Each authorised point of entry shall be under the responsibility of a competent authority, which has at its disposal:
 - (a) official veterinarians responsible for taking decisions on the consignments in accordance with point (a) of Article 55(2) of Regulation (EU) 2017/625, and
 - (b) if deemed necessary by the competent authority, staff referred to in points (a) and (b) of Article 49(2) of Regulation (EU) 2017/625 trained in accordance with Article 2 of Commission Delegated Regulation (EU) 2019/1081 ⁽⁹⁾.
3. The competent authority of the authorised points of entry in the Greek islands referred to in Article 7(1) shall ensure that for each authorised point of entry staff and resources are available to carry out official controls on consignments of goods referred to in Article 7(1) for which the point of entry is authorised.
4. Each authorised point of entry in the French overseas departments referred to in Article 7(2) shall have all the facilities, equipment and staff necessary to carry out official controls on consignments of animals and goods referred to in Article 7(2) for which the point of entry is authorised.

Article 9

Responsibilities of operators regarding consignments entering the Union through certain Greek islands and certain French territories

The operator responsible for consignments referred to in Article 7 shall:

- (a) notify the competent authority of the authorised point of entry of the arrival of the consignment by submitting a completed CHED in the IMSOC prior to the arrival of the consignment at the authorised point of entry;

⁽⁹⁾ Commission Delegated Regulation (EU) 2019/1081 of 8 March 2019 establishing rules on specific training requirements for staff for performing certain physical checks at border control posts (OJ L 171, 26.6.2019, p. 1).

- (b) keep a register approved by the competent authority of the authorised point of entry showing if applicable the quantities of animals, products of animal origin and composite products for placing on the market and the names and addresses of the purchaser(s);
- (c) inform the purchaser(s) that:
 - (i) the products of animal origin and composite products for placing on the market are for local consumption only and that these products must not be re-dispatched under any circumstances to other parts of the Union territory;
 - (ii) in the case of resale, the purchaser(s) must inform the new purchaser(s) where the latter is a commercial operator about the restrictions in accordance with point (c)(i);
- (d) in the case of the French overseas departments of Guadeloupe, French Guiana, Martinique and Mayotte, inform the purchaser(s) that:
 - (i) the animals for placing on the market are for local breeding and production only and that these animals and products derived from these animals must not be re-dispatched under any circumstances to other parts of the Union territory;
 - (ii) in the case of resale, the purchaser(s) must inform the new purchaser(s) where the latter is a commercial operator about the restrictions in accordance with point (d)(i).

Article 10

Repeals

1. Decision 94/641/EC and Implementing Decision 2012/44/EU are repealed with effect from 14 December 2019.
2. References to the repealed acts shall be construed as references to this Regulation and read in accordance with the correlation tables in Annex II.

Article 11

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.

Done at Brussels, 10 October 2019.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX I

Specific official controls on goods entering the Union through the authorised points of entry of certain Greek islands and certain French territories

1. The competent authority shall ensure that all data of products of animal origin and composite products, and, in the case of the French overseas departments of Guadeloupe, French Guiana, Martinique and Mayotte, also all data of animals, presented for placing on the market are entered in the IMSOC.
 2. The competent authority shall check:
 - (a) the accompanying certificates and documents;
 - (b) the identity of the products of animal origin and composite products, and, in the case of the French overseas departments of Guadeloupe, French Guiana, Martinique and Mayotte, also the identity of the animals;
 - (c) the packaging and marking;
 - (d) the quality and state of preservation of the goods;
 - (e) the transport conditions and, in the case of carriage by refrigerated means of transport, the temperature of the means of transport and the internal temperature of the goods;
 - (f) any damage to the goods.
 3. The competent authority shall ensure that after the specific official controls are completed, the accompanying CHED indicates that products of animal origin and composite products for placing on the market are for local consumption only and that these products must not be re-dispatched under any circumstances to other parts of the Union territory.
 4. In the case of the French overseas departments of Guadeloupe, French Guiana, Martinique and Mayotte, the competent authority shall ensure that after the specific official controls are completed, the accompanying CHED indicates that the animals, for placing on the market are for local breeding and production only and these animals and products derived from these animals must not be re-dispatched under any circumstances to other parts of the Union territory.
 5. The competent authority shall carry out regular inspections of the place of housing/storage of the consignments for placing on the market to verify that public health requirements are maintained and that these consignments are not re-dispatched to other parts of the Union territory.
 6. In the case of the French overseas departments of Guadeloupe, French Guiana, Martinique and Mayotte, the competent authority shall carry out regular inspections of the place of housing of the animals for placing on the market to verify that animal health requirements are maintained and that these animals and products derived from these animals are not re-dispatched to other parts of the Union territory.
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ANNEX II

Correlation tables referred to in Article 10(2)

1. Decision 94/641/EC

Decision 94/641/EC	This Regulation
Article 1	Article 7
Article 2	Article 8(2)(a)
Article 3, first indent	Article 9(a)
Article 3, second indent	Article 9(b)
Article 3, third indent	Article 9(c)
Article 3, fourth indent	Article 9(e)
Article 4	Article 8(1)
Article 5	—
Article 6	—
Article 7	—
Annex I	Article 7
Point (1) of Annex II	Point (2) of Annex I
Point (2) of Annex II	Point (5) of Annex I

2. Implementing Decision 2012/44/EU

Implementing Decision 2012/44/EU	This Regulation
Article 1	Article 7
Article 2(1)	Article 8(2)
Article 2(2)	Article 8(4)
Article 3(1)	Article 9(a)
Article 3(2)	—
Article 3(3)	Article 9(b)
Article 3(4)	Article 9(c) and (d)
Article 3(5)	Article 9(e) and (f)
Article 4(1)	Article 8(1)
Article 4(2)	Article 8(1)
Article 4(3)	Point (1) of Annex I
Article 4(4)	Points (3) and (4) of Annex I
Article 4(5)	Points (5) and (6) of Annex I
Article 5	—
Article 6	—
Article 7	—
Article 8	—
Annex	Article 7