

Commission Delegated Regulation (EU) 2020/2190 of 29 October 2020 amending Delegated Regulation (EU) 2019/2124 as regards official controls at the border control post where goods leave the Union and certain provisions on transit and transshipment (Text with EEA relevance)

COMMISSION DELEGATED REGULATION (EU) 2020/2190

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(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 points (b) and (d) of Article 51(1) thereof,

Whereas:

- (1) Commission Delegated Regulation (EU) 2019/2124⁽²⁾ establishes rules for the performance of official controls by the competent authorities of the Member States⁽³⁾ on consignments of animals and goods in transit, transshipment and onward transportation through the Union.
- (2) Since several operators are involved during transit and transshipment, including importers, transporters, customs agents and traders, it is necessary to indicate that operators responsible for consignments should comply with the rules in Delegated Regulation (EU) 2019/2124.
- (3) In order to ensure traceability of consignments until they leave the Union territory, the official certificate issued in accordance with Commission Implementing Regulation (EU) 2019/2128⁽⁴⁾ is to accompany the consignments from the approved warehouses to the border control posts where the goods leave the Union territory.

Changes to legislation: There are currently no known outstanding effects for the Commission Delegated Regulation (EU) 2020/2190. (See end of Document for details)

- (4) In accordance with Implementing Regulation (EU) 2019/2128, official certificates may be issued in paper format. As a consequence, competent authorities responsible for official controls at NATO or US military bases, competent authorities at the border control posts where goods leave the Union and the representative of the master of a vessel or the operator responsible for delivery of consignments to a vessel leaving the Union territory should also be allowed the possibility of countersigning official certificates that are issued in paper format and returning such official certificates within 15 days from the date when transit was authorised.
- (5) With a view to protecting human and animal health, consignments of products of animal origin, germinal products, animal by-products, derived products, hay and straw and composite products in transit from one third country to another third country may be authorised to pass through the Union territory provided they meet certain conditions. Such conditions should include the proper monitoring of consignments during transit and their due presentation for official controls at the border control post where they leave the Union territory.
- (6) To ensure human and animal health protection, products of animal origin should be added to the commodities to be checked at the border control post where goods leave the Union.
- (7) Delegated Regulation (EU) 2019/2124 lays down the specific requirements for transit of animals, products of animal origin, germinal products, animal by-products, derived products, hay and straw and composite products from one part of the Union territory to another part of the Union territory, passing through the territory of a third country.
- (8) After the transition period, which was agreed as part of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (Withdrawal Agreement), products of animal origin, germinal products, animal by-products, derived products, hay and straw and composite products that are moved from one part of the Union territory to another part of the Union territory, passing through the United Kingdom, excluding Northern Ireland, are to be presented for official controls at the border control post of re-introduction into the Union. The notion ‘Union territory’ includes Northern Ireland for the purposes of the application of this Regulation.
- (9) On the basis of prior notification of arrival of the consignment and documentary checks, the competent authorities of the border control post of re-introduction into the Union should be able to assess whether the consignment in transit may be readmitted into the Union or is to be presented for further controls. This prior notification should be effected by the operator responsible for the consignment. Prior notification and documentary checks should be performed through the information management system for official controls (IMSOC).
- (10) However, several Member States have highlighted practical problems and the considerable administrative burden of using the IMSOC for prior notification and documentary checks in the specific case of transit through the United Kingdom, excluding Northern Ireland.

- (11) In order to avoid any delay resulting from the administrative burden of complying with documentary formalities for the re-introduction of products of animal origin, germinal products, animal by-products, derived products, hay and straw and composite products into the Union, the possibility should be provided for Member States of using an alternative information system that achieves the same objectives as the IMSOC for prior notification and recording of the results of documentary checks at the border control post of re-introduction into the Union after transit through the United Kingdom, excluding Northern Ireland.
- (12) Delegated Regulation (EU) 2019/2124 should therefore be amended accordingly.
- (13) In order to ensure that the measures provided for in this Regulation are effective after the transition period in the Withdrawal Agreement ends, this Regulation should apply from 1 January 2021,

HAS ADOPTED THIS REGULATION:

Article 1

Delegated Regulation (EU) 2019/2124 is amended as follows:

- (1) in Article 2, point (7) is replaced by the following:
 - (7) “border control post of introduction into the Union” means the border control post where animals and goods are presented for official controls and through which they enter the Union for subsequent placing on the market or for transit through the Union territory⁽⁵⁾ and which may be the border control post of first arrival into the Union;;
- (2) Article 14 is replaced by the following:

Article 14

Storage of transhipped consignments of products of animal origin, germinal products, animal by-products, derived products, hay and straw and composite products

The operator responsible for consignments of products of animal origin, germinal products, animal by-products, derived products, hay and straw and composite products shall ensure that those consignments are only stored during the transshipment period either in:

- (i) the customs or free zone area of the same port or airport in sealed containers; or
 - (ii) commercial storage facilities under the control of the same border control post, in compliance with the conditions laid down in Article 3(11) and (12) of Commission Implementing Regulation (EU) 2019/1014⁽⁶⁾;
- (3) in Article 29, point (c) is replaced by the following:
 - (c) the operator responsible for the consignment ensures that an official certificate in accordance with the model set out in the Annex to Implementing Regulation (EU) 2019/2128 accompanies the consignment to

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its place of destination or to the border control post where the goods leave the Union territory;;

(4) Article 31 is amended as follows:

(a) paragraph 2 is replaced by the following:

2. The operator responsible for the consignments of goods referred to in paragraph 1 may unload those consignments at the port of destination before the delivery of the consignments to the vessel leaving the Union territory provided that the operation is authorised and supervised by the customs authority, and the conditions of delivery indicated in the notification referred to in paragraph 1 are met.;

(b) paragraph 4 is replaced by the following:

4. The representative referred to in paragraph 3 or the operator responsible for the delivery of the consignments to the vessel leaving the Union territory shall return to the competent authorities of the border control post of introduction into the Union or of the warehouse, within a period of 15 days from the date on which transit was authorised at the border control post of introduction into the Union or at the warehouse, the countersigned official certificate referred to in point (a) of paragraph 3.;

(5) Article 32 is replaced by the following:

Article 32

Operator's obligations to present goods leaving the Union territory for official controls

1 The operator responsible for consignments of products of animal origin, germinal products, animal by-products, derived products, hay and straw and composite products that leave the Union territory to be transported to a third country shall present those consignments for official controls to the competent authorities of the border control post indicated in the CHED, at a location indicated by those competent authorities.

2 The operator responsible for the consignments of goods referred to in paragraph 1 that leave the Union territory to be dispatched to a NATO or US military base located in a third country shall present those consignments for official controls to the competent authorities of the border control post indicated in the official certificate issued in accordance with the model set out in the Annex to Implementing Regulation (EU) 2019/2128.;

(6) Article 33 is replaced by the following:

Article 33

Official controls at the border control post where goods leave the Union territory

1 The competent authorities of the border control post where products of animal origin, germinal products, animal by-products, derived products, hay and straw