Commission Implementing Regulation (EU) 2020/714 of 28 May 2020 amending Implementing Regulation (EU) 2020/466 as regards the use of electronic documentation for the performance of official controls and other official activities and the period of application of temporary measures (Text with EEA relevance)

COMMISSION IMPLEMENTING REGULATION (EU) 2020/714

of 28 May 2020

amending Implementing Regulation (EU) 2020/466 as regards the use of electronic documentation for the performance of official controls and other official activities and the period of application of temporary measures

(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 141(1) thereof,

Whereas:

(1) Regulation (EU) 2017/625 lays down rules for, inter alia, the performance of official controls and of other official activities by the competent authorities of Member States. It also empowers the Commission to adopt, by means of an implementing act, appropriate temporary measures necessary to contain risks to human, animal and plant health and animal welfare, if it has evidence of a serious disruption in a Member State's control system.

(2) In order to address the specific circumstances due to the ongoing crisis related to coronavirus disease (COVID-19), Commission Implementing Regulation (EU) 2020/466[(2)] allows Member States to apply temporary measures in relation to official controls and other official activities. That Implementing Regulation allows for official controls and other official activities on official certificates and official attestations to be performed on an electronic copy of such certificates or attestations, subject to certain conditions.

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2020/714. (See end of Document for details)*

(3) In order to ensure smooth trade, it should be clarified that official controls and other official activities may be performed on a copy of the original certificates or attestations, which has been provided by certain electronic means. In addition, it should be clarified that the obligation to provide the original of those documents as soon as technically feasible does not apply where official controls and other official activities are performed based on electronic data produced and submitted in the Trade Control and Expert System (TRACES).

(4) Some Member States have informed the Commission and the other Member States that the serious disruptions in the functioning of their control systems in view of the crisis linked to COVID-19 and the difficulties to perform official controls and other official activities will persist beyond 1 June 2020. In order to address these serious disruptions and facilitate the planning and the performance of official controls and other official activities during the crisis linked to COVID-19, the period of application of Implementing Regulation (EU) 2020/466 should be prolonged until 1 August 2020.

(5) Implementing Regulation (EU) 2020/466 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

Implementing Regulation (EU) 2020/466 is amended as follows:

(1) Article 4 is replaced by the following:

Article 4

1 Official controls and other official activities on official certificates and official attestations may exceptionally be performed:

a on a copy of the original of such certificates or attestations, that is made available electronically, provided the person responsible for presenting the official certificate or official attestation presents to the competent authority a statement affirming that the original of the official certificate or official attestation will be submitted as soon as technically feasible; or

b on electronic data from such certificates or attestations, where such data has been produced and submitted by the competent authority in TRACES.

2 When performing official controls and other official activities referred to in paragraph 1 of this Article, the competent authority shall take into account the risk of non-compliance of animals and goods concerned and operators' past record as regards the outcome of official controls performed on them and their compliance with the rules referred to in Article 1(2) of Regulation (EU) 2017/625.;

(2) in Article 6, the second paragraph is replaced by the following:

'It shall apply until 1 August 2020'.

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*.