# Commission Implementing Regulation (EU) 2019/2130 of 25 November 2019 establishing detailed rules on the operations to be carried out during and after documentary checks, identity checks and physical checks on animals and goods subject to official controls at border control posts (Text with EEA relevance)

## COMMISSION IMPLEMENTING REGULATION (EU) 2019/2130

of 25 November 2019

establishing detailed rules on the operations to be carried out during and after documentary checks, identity checks and physical checks on animals and goods subject to 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 52 thereof,

Whereas:

(1) Regulation (EU) 2017/625 establishes the rules for the competent authorities of Member States when they perform official controls on animals and goods entering the Union in order to verify compliance with the Union agri-food chain legislation.

(2) Pursuant to Regulation (EU) 2017/625, consignments of the categories of animals and goods referred to in its Article 47(1) are subject to official controls at border control posts for official controls, unless they are exempted from such controls on the basis of Article 48 of that Regulation. Those official controls are to include documentary checks, identity checks and physical checks. For the purpose of ensuring the uniform implementation of Articles 49, 50 and 51 of Regulation (EU) 2017/625 and the efficient performance of official controls on the categories of animals and goods referred to above, detailed rules concerning the performance of documentary checks, identity checks and physical checks at border control posts should be laid down in this Regulation.

***Changes to legislation:** There are outstanding changes not yet made to Commission Implementing Regulation (EU) 2019/2130. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(3) The rules on the operations to be carried out during and after documentary checks, identity checks and physical checks at the border control posts of arrival or control points should also apply to certain categories of food and feed of non-animal origin subject to a temporary increase of controls, other conditions of entry into the Union and emergency measures provided for by the acts referred to in points (d), (e) and (f) of Article 47(1) of Regulation (EU) 2017/625.

(4) The operations carried out during documentary checks, identity checks and physical checks before the date of application of this Regulation have proven to be effective and ensure a high level of performance of checks. Therefore, the rules laid down in this Regulation should be based on the same principles as the requirements for the performance of documentary checks, identity checks and physical checks laid down in Council Directives 91/496/EEC[(2)], 97/78/EC[(3)] and 2000/29/EC[(4)], Commission Regulations (EC) No 136/2004[(5)] and (EC) No 282/2004[(6)] and Commission Decision 97/794/EC[(7)].

(5) All relevant documents which are required to accompany consignments of the categories of animals and goods referred to in Article 47(1) of Regulation (EU) 2017/625 should be checked to ensure that they are based on the relevant model document, that the general certification requirements are fulfilled and that they provide the guarantees required under Union legislation or applicable national rules.

(6) When consignments of certain categories of goods referred to in Article 47(1) of Regulation (EU) 2017/625 enter the Union, Union legislation provides that laboratory analyses, tests or diagnoses are to be carried out or that the means of transport are to be sealed to ensure a high level of consumer protection and to prevent any risk for public, animal and plant health. In such cases, the results of the laboratory analyses, tests or diagnoses or the seal numbers should be recorded in the Common Health Entry Document (CHED).

(7) To ensure traceability of the animals and goods entering the Union, the original and, where applicable, the copy of the official certificates or documents should be kept for a certain period at the border control post of arrival into the Union.

(8) Since this Regulation lays down provisions in the areas covered by Regulations (EC) No 136/2004 and (EC) No 282/2004 and Decision 97/794/EC, these acts should be repealed with effect from the date of application of this Regulation.

(9) Regulation (EU) 2017/625 applies from 14 December 2019. Accordingly, the rules laid down in this Regulation should also apply from that date.

(10) 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:

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*Article 1*

**Subject matter and scope**

This Regulation lays down detailed rules on the operations to be carried out during and after the documentary checks, identity checks and physical checks referred to in Articles 49, 50 and 51 of Regulation (EU) 2017/625 on consignments of the categories of animals and goods referred to in Article 47(1) of that Regulation.

*Article 2*

**Detailed rules for documentary checks**

1 For each consignment of animals and goods referred to in Article 1, the competent authority shall ascertain the use to which the animals and goods are assigned pursuant to the official certificates, official attestations and other documents accompanying the consignment as well as the destination of the consignment indicated in these certificates, attestations and documents.

2 The competent authority shall inspect all official certificates, official attestations and other documents referred to in point (41) of Article 3 of Regulation (EU) 2017/625 or their electronic equivalents submitted in the information management system for official controls (IMSOC) referred to in Article 131 of that Regulation or via existing national systems in order to ascertain that:

a they are issued by the competent authority of the third country, where applicable;

b they fulfil the requirements set out in Articles 89(1) and 91(2) of Regulation (EU) 2017/625 and in the implementing acts referred to in Article 90 of that Regulation;

c they correspond to the model established by the rules referred to in Article 1(2) of Regulation (EU) 2017/625;

d the information contained in the certificates or documents complies with the rules referred to in Article 1(2) of Regulation (EU) 2017/625

3 The competent authority shall check that the operator responsible for the consignment completed the relevant part of the Common Health Entry Document (CHED) fully and correctly as required by Article 56(1) of Regulation (EU) 2017/625 and that the information in it corresponds to the information provided in the official certificates, official attestations and other documents accompanying the consignment.

*Article 3*

**Detailed rules for identity checks**

1 During identity checks on consignments of animals and goods referred to in Article 1, the competent authority shall verify that the following elements correspond to the information provided in the official certificates, official attestations and other documents accompanying the consignments:

a the number of animals, their species, breed, sex, age and category, where applicable;

b the content of the consignments;

c the quantity of the consignments;

d the appropriate stamps and identification marks or codes, where applicable;

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e the identification of the means of transport, where applicable;

f seals on containers or means of transport, where applicable.

2 For consignments of products of animal origin, germinal products, animal by-products, derived products, hay and straw and composite products, the identity checks may be limited to points (e) and (f) of paragraph 1 in the cases where:

a the consignments are not selected for physical checks;

b the consignments have been loaded in transport units which are closed and locked by a seal;

c seals on containers or means of transport are intact and not tampered with;

d the seals on containers or means of transport were fixed by or under the supervision of the competent authority issuing the official certificate; and

e the information available on seals corresponds to that given in the accompanying official certificate required by the rules referred to in Article 1(2) of Regulation (EU) 2017/625.

3 For consignments of products of animal origin, germinal products, animal by-products, derived products, hay and straw and composite products, the selection of items or packages for identity checks shall cover 1 % of the items or packages in a consignment, with a minimum of two and up to a maximum of 10 items or packages. Where, on the basis of selected items or packages the competent authority is not able to complete the identity check, the number of items or packages checked may be increased to perform more extensive checks and may reach the total number of items or packages in the consignment concerned.

4 For consignments of animals, identity checks shall be based on the following rules:

a for animals for which individual identification is required by Union legislation, at least 10 % of the animals with a minimum of 10 animals shall be selected from the consignment so as to constitute a representative sample. Where the consignment contain less than 10 animals, the identity checks shall be carried out on each animal in the consignment;

b for animals for which individual identification is not required by Union legislation, the marking shall be checked of a representative number of packages or containers;

c if the identity checks laid down in points (a) and (b) have not been satisfactory, the number of animals checked shall be increased and may reach the total number of animals in the consignment concerned.

5 Consignments shall be partially or fully unloaded from the means of transport where it is necessary to have full access to the whole consignment for the purpose of identity checks.

*Article 4*

**Detailed rules for physical checks**

1 During physical checks on consignments of animals and goods referred to in Article 1, the competent authority shall verify that the consignments comply with the rules referred to in Article 1(2) of Regulation (EU) 2017/625 applicable to the particular animals or goods and the specific requirements defined in the relevant official certificates, official attestations and other documents.

2 Consignments shall be partially or fully unloaded from the means of transport where it is necessary to have access to the whole consignment for the purpose of physical checks.

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3 Physical checks on animals shall be carried out in accordance with the requirements set out in Annex I to this Regulation.

4 Physical checks on products of animal origin, germinal products, animal by-products, derived products, hay and straw and composite products and on food and feed of non-animal origin subject to temporary increase of controls, other conditions of entry into the Union and emergency measures provided for by the acts referred to in points (d), (e) and (f) of Article 47(1) of Regulation (EU) 2017/625 shall be carried out in accordance with the requirements set out in Annex II to this Regulation.

5 Laboratory tests to detect hazards on products of animal origin, germinal products, animal by-products, derived products, hay and straw and composite products shall be carried out in accordance with the monitoring plan referred to in point 5 of Annex II.

6 Physical checks on plants, plant products and other objects referred to in point (c) of Article 47(1) of Regulation (EU) 2017/625 and, where applicable, subject to emergency measures provided for in the acts referred to in point (e) of Article 47(1) of that Regulation shall be carried out in accordance with the requirements set out in Annex III to this Regulation.

7 The following consignments of animals may be placed on the market before the results of laboratory tests carried out during physical checks are available:

a consignments of ungulates sampled in line with sampling requirements referred in part III of Annex I, where no immediate danger to public health or animal health is suspected from those ungulates; and

b consignments of other animals referred to in point (a) of Article 47(1) of Regulation (EU) 2017/625, where no immediate danger to public health or animal health is suspected from those animals.

8 Consignments of goods tested pursuant to the monitoring plan referred to in paragraph 5, for which no immediate danger to public health or animal health is suspected, may be placed on the market before the laboratory test results are available.

9 Where consignments of plants, plant products and other objects referred to in point (c) of Article 47(1) of Regulation (EU) 2017/625 are sampled for laboratory analysis during physical checks and no immediate danger to plant health is suspected, such consignments may be placed on the market before the laboratory test results are available.

*Article 5*

**Operations to be carried out after documentary checks, identity checks and physical checks**

1 After completion of the checks provided for in Article 49(1) of Regulation (EU) 2017/625, the competent authority shall:

a close and identify with an official mark the packages which it has opened for the purpose of identity checks or physical checks;

b in the cases required by Union legislation, seal the means of transport and enter the seal number in the CHED.

2 The competent authorities shall record in the CHED all the results of laboratory analyses, tests or diagnoses, as soon as they are available, of consignments which have been tested and placed on the market before laboratory test results are available.