Commission Implementing Regulation (EU) 2019/2128 of 12 November 2019 establishing the model official certificate and rules for issuing official certificates for goods which are delivered to vessels leaving the Union and intended for ship supply or consumption by the crew and passengers, or to NATO or a United States' military base (Text with EEA relevance)

COMMISSION IMPLEMENTING REGULATION (EU) 2019/2128

of 12 November 2019

establishing the model official certificate and rules for issuing official certificates for goods which are delivered to vessels leaving the Union and intended for ship supply or consumption by the crew and passengers, or to NATO or a United States' military base

(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 Articles 77(3)(a), 90(a) and (f) thereof,

Whereas:

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

(2) Commission Delegated Regulation (EU) 2019/2124[(2)] lays down rules for the official controls of consignments of products of animal origin, germinal products, animal by-products, derived products, hay and straw and composite products from third countries, that are stored in warehouses located in the Union territory, and that are to be delivered either to a NATO or United States' military base located in the Union territory or in a third country, or to a vessel leaving the Union and intended for ship supply or consumption by the crew and passengers.

Changes to legislation: *There are outstanding changes not yet made to Commission Implementing Regulation (EU) 2019/2128. 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) Delegated Regulation (EU) 2019/2124 in particular provides that those consignments of products of animal origin, germinal products, animal by-products, derived products, hay and straw and composite products must be accompanied by an official certificate when leaving the warehouse.

(4) Delegated Regulation (EU) 2019/2124 also provides that consignments of products of animal origin, germinal products, animal by-products, derived products, hay and straw and composite products from third countries that are destined for a vessel leaving the Union must be accompanied by an official certificate when transported from the border control post to the vessel.

(5) For reasons of clarity and consistency, it is appropriate to establish a single model official certificate for consignments of products of animal origin, germinal products, animal by-products, derived products, hay and straw and composite products from third countries destined for delivery to vessels leaving the Union and intended for ship supply or consumption by the crew and passengers, or to NATO or United States' military bases located in the Union territory or in a third country.

(6) Frequently, the content of consignments is formed at warehouses. Such consignments may consist of goods that are derived from several consignments of different origins or product categories. In order to reduce administrative burdens, a single official certificate should be used for the goods in the newly formed consignments. The traceability of goods should be assured by indicating in the official certificate the number of the Common Health Entry Document (CHED) accompanying the original consignments from which the goods are derived.

(7) The official certificate may be issued by the competent authorities either in paper or in electronic format. Therefore, it is appropriate to establish requirements as regards the issuance of the official certificate in both cases.

(8) For the purpose of consistency, the rules applying to the issuance of electronic certificates and to the use of an electronic signature for official certificates laid down in Commission Implementing Regulation (EU) 2019/1715[(3)] should also apply to the model official certificate established in this Regulation.

(9) Model certificates are included in the electronic system TRACES, set up by Commission Decision 2003/623/EC[(4)] and Commission Decision 2004/292/EC[(5)] to facilitate and accelerate administrative procedures at Union borders and at customs warehouses and to enable electronic communication between the parties involved. Accordingly, the format of the model official certificate laid down in this Regulation and the notes on its completion should be adapted to the TRACES system.

(10) In accordance with Article 133(4) of Regulation (EU) 2017/625, the TRACES system is to be integrated into the Information Management System for Official Controls (IMSOC). The model official certificate laid down in this Regulation should therefore be adapted to IMSOC.

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

***Changes to legislation:** There are outstanding changes not yet made to Commission Implementing Regulation (EU) 2019/2128. 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*

(12) 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

Definition

For the purposes of this Regulation, the definition of 'warehouse' set out in Article 2(3) of Delegated Regulation (EU) 2019/2124 shall apply.

Article 2

Model official certificate

1 For the purposes of Article 21(1) and Article 29(c) of Delegated Regulation (EU) 2019/2124, the model official certificate set out in Part I of the Annex to this Regulation shall be used for the official certification of consignments of products of animal origin, germinal products, animal by-products, derived products, hay and straw and composite products which are delivered:

a to vessels leaving the Union territory and intended for ship supply or consumption by the crew and passengers; or

b from a warehouse located in the Union territory to NATO or United States' military bases located in the Union territory or in a third country.

The official certificate may be issued in paper format or electronically through IMSOC.

2 Where the content of consignments is formed at a warehouse and composed of products of different origins or product categories, one single official certificate may be issued to accompany such consignment.

Article 3

Requirements for official certificates which are not submitted in IMSOC

Official certificates which are not submitted in IMSOC shall meet the following requirements:

1. in addition to the signature of the certifying officer, the official certificate shall bear an official stamp. The colour of the signature and stamp shall be different to the colour of the printing.

2. where the official certificate contains statements, statements which are not relevant shall be crossed out, initialled and stamped by the certifying officer, or completely removed from the certificate.

3. the official certificate shall consist of:

   (a) a single sheet of paper; or

   (b) several sheets of paper where all sheets are indivisible and constitute an integral whole; or

Changes to legislation: *There are outstanding changes not yet made to Commission Implementing Regulation (EU) 2019/2128. 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*

(c) a sequence of pages numbered so as to indicate that it is a particular page in a finite sequence.

4. Where the official certificate consists of a sequence of pages, each page must indicate the unique code as referred to in Article 89(1)(a) of Regulation (EU) 2017/625 and bear the signature of the certifying officer and the official stamp.

5. The official certificate shall be issued before the consignments to which it relates leave the control of the competent authorities at the border control post or at the warehouse.

Article 4

Requirements for official certificates submitted in IMSOC and for the use of electronic signature

1 Official certificates submitted in IMSOC shall be based on the model official certificate laid down in Part 1 of the Annex to this Regulation.

2 The official certificate shall be submitted in IMSOC before the consignments to which it relates leave the control of the competent authorities at the border control post or at the warehouse.

3 Official certificates submitted in IMSOC shall meet the requirements for the issuance of electronic official certificate and for the use of electronic signature laid down in Article 39 of Implementing Regulation (EU) 2019/1715.

Article 5

Notes on the completion of the official certificate

The official certificate shall be completed by reference to the notes set out in Part 2 of the Annex to this Regulation.

Article 6

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.

***Changes to legislation:** There are outstanding changes not yet made to Commission Implementing Regulation (EU) 2019/2128. 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*

Done at Brussels, 12 November 2019.

For the Commission

The President

Jean-Claude JUNCKER