Commission Delegated Regulation (EU) 2019/2127 of 10 October 2019 amending Regulation (EU) 2017/625 of the European Parliament and of the Council as regards the date of application of certain provisions of Council Directives 91/496/EEC, 97/78/EC and 2000/29/EC (Text with EEA relevance)

COMMISSION DELEGATED REGULATION (EU) 2019/2127

of 10 October 2019

amending Regulation (EU) 2017/625 of the European Parliament and of the Council as regards the date of application of certain provisions of Council Directives 91/496/EEC, 97/78/EC and 2000/29/EC

(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 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[(1)], and in particular Article 149(2) and Article 165(3) thereof,

Whereas:

(1) Regulation (EU) 2017/625 of the European Parliament and of the Council establishes the framework for official controls and other official activities to verify the correct application of Union food and feed law. That framework includes official controls performed on animals and goods entering the Union from third countries.

(2) Regulation (EU) 2017/625 repeals Council Directives 91/496/EEC[(2)] and 97/78/EC[(3)] with effect from 14 December 2019. It moreover amends Regulation (EU) 2016/2031 of the European Parliament and the Council[(4)] to repeal Council Directive 2000/29/EC[(5)].

(3) In order to avoid any legislative gaps pending the adoption of implementing and delegated acts which concern matters referred to in Article 47(2), Article 48, points (b), (c) and (d) of Article 51(1), point (a) of Article 53(1), Article 54(1) and (3), and point (a) of Article 58 of Regulation (EU) 2017/625, Regulation (EU) 2017/625 provides that the relevant provisions of Council Directives 91/496/EEC and 97/78/EC and Directive 2000/29/EC are to continue to apply until 14 December 2022 or an earlier date to be

determined by the Commission. As regards Directive 2000/29/EC, such earlier date is to fall after the date of application of Regulation (EU) 2017/625.

(4) A delegated act has been adopted pursuant to point (a) of Article 53(1) of Regulation (EU) 2017/625, governing official controls at control points other than border control posts. This act will apply as of 14 December 2019. However, insofar as categories of consignments of plants, plant products and other objects referred to in point (c) of Article 47(1) of that Regulation are concerned, it will only become applicable as of 14 December 2020. Hence the corresponding provisions of Directive 2000/29/EC should remain applicable until 13 December 2020.

(5) An implementing act has been adopted pursuant to Article 54(3) of Regulation (EU) 2017/625, governing the frequency of identity and physical checks at the entry into the Union of animals and goods. This act will apply as of 14 December 2019. However, insofar as categories of consignments of plants, plant products and other objects referred to in point (c) of Article 47(1) of that Regulation are concerned, it will only become applicable as of 14 December 2022. Hence the corresponding provisions of Directive 2000/29/EC should remain applicable until 13 December 2022.

(6) In addition, an implementing act has been adopted pursuant to point (a) of Article 47(2) of Regulation (EU) 2017/625, establishing a list of animals and goods to be subjected to systematic official controls at their entry into the Union. By Commission Delegated Regulation (EU) 2019/478[(6)], composite products have been added to the categories to be listed. However, the requirements for the entry into the Union for such products established in Commission Delegated Regulation (EU) 2019/625[(7)] will only apply as of 21 April 2021. The existing requirements for composite products will remain applicable until 20 April 2021. Hence, transitional measures are required in respect of the provisions of Directive 97/78/EC which govern the matters referred to in point (a) of Article 47(2) of Regulation (EU) 2017/625 related to composite products.

(7) Implementing acts have been adopted pursuant to point (b) of Article 47(2) and point (a) of Article 58 of Regulation (EU) 2017/625 governing the establishment of a list of goods subject to a temporary increase of official controls at their entry into the Union and the format of the Common Health Entry Document (CHED) respectively. These acts will apply as of the date of application of Regulation (EU) 2017/625.

(8) Delegated acts have been adopted pursuant to Article 48 and points (b), (c) and (d) of Article 51(1) of Regulation (EU) 2017/625 governing exemptions from official controls at border control posts and the establishment of specific rules on transit and transhipment. These acts will apply as of the date of application of Regulation (EU) 2017/625.

(9) It is therefore appropriate to amend Regulation (EU) 2017/625 accordingly.

(10) As the rules laid down in this act are intertwined and will be applied together it is appropriate that they will be laid down in a single act rather than in different acts with numerous cross-references and the risks of duplication.

(11) Since Regulation (EU) 2017/625 and the Delegated Regulations and Implementing Regulations referred to above apply from 14 December 2019, this Regulation should also apply from that date,

HAS ADOPTED THIS REGULATION:

Article 1

Amendment to Regulation (EU) 2017/625

Regulation (EU) 2017/625 shall be amended as follows:

(1) Article 149(1) shall be replaced by the following:

> The relevant provisions of Directives 91/496/EEC and 97/78/EC which govern matters referred to in point (b) of Article 47(2), Article 48, points (b), (c) and (d) of Article 51(1), point (a) of Article 53(1), Article 54(1) and (3), and point (a) of Article 58 of this Regulation shall apply instead of the corresponding provisions of this Regulation until 13 December 2019.
>
> The relevant provisions of Directive 97/78/EC which govern matters referred to in point (a) of Article 47(2) of this Regulation related to composite products shall continue to apply instead of that corresponding provision until 20 April 2021.;

(2) Article 165(2) shall be replaced by the following:

> In relation to matters governed by Directive 2000/29/EC, Article 47(2), Article 48, points (b), (c) and (d) of Article 51(1), and point (a) of Article 58 of this Regulation shall apply from 15 December 2019 instead of the relevant provisions of that Directive, which shall cease to be applicable as of the same date.
>
> The relevant provisions of Directive 2000/29/EC shall continue to apply in relation to the matters governed by points (a) of Article 53(1) of this Regulation instead of that latter provision until 13 December 2020.
>
> The relevant provisions of Directive 2000/29/EC shall continue to apply in relation to the matters governed by Article 54(1) and (3) of this Regulation instead of these latter provisions until 13 December 2022.

Article 2

Entry into force and application of this Regulation

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.