Commission Delegated Regulation (EU) 2019/2074 of 23 September 2019 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards rules on specific official controls on consignments of certain animals and goods originating from, and returning to the Union following a refusal of entry by a third country (Text with EEA relevance)

COMMISSION DELEGATED REGULATION (EU) 2019/2074

of 23 September 2019

supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards rules on specific official controls on consignments of certain animals and goods originating from, and returning to the Union following a refusal of entry by a third country

(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 77(1)(h) thereof,

WHEREAS:

(1) In accordance with Regulation (EU) 2017/625, the Commission is required to adopt rules for the performance of specific official controls on consignments of animals and goods referred to in Article 47(1)(a), (b) and (c) thereof, originating from, and returning to the Union following a refusal of entry by a third country.

(2) Animals and goods originating from, and returning to the Union following a refusal of entry by a third country should be subject to documentary, identity and where appropriate physical checks at the border control post of arrival into the Union to ensure that they fulfil the requirements of Union law. In particular, those checks should ensure that the animals are fit for further transportation to their place of destination and that animal welfare requirements are respected.

Changes to legislation: *There are outstanding changes not yet made to Commission Delegated Regulation (EU) 2019/2074. 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) Article 15 of Council Directive 97/78/EC[(2)] lays down rules concerning the veterinary checks to be conducted for the purposes of authorising the re-importation of consignments of products of Union origin returning to the Union following a refusal of entry by a third country. Regulation (EU) 2017/625 repeals and replaces Directive 97/78/EC with effect from 14 December 2019.

(4) In order to ensure a high level of protection of animal and public health, the requirements set out in Article 15 of Directive 97/78/EC should be maintained with certain adaptations taking into account the experience gained in the application of the requirements laid down in that Article, and the new legal framework established by Regulation (EU) 2017/625.

(5) In particular, in order to ensure that there is no risk for the introduction and spread into the Union of animal diseases or pests of plants, the competent authorities of the Member States should ensure that consignments of Union origin returning to the Union comply with the relevant requirements for the re-entry into the Union of such consignments, as laid down in the rules on animal health, on animal by-products, or on plant health, as appropriate.

(6) Consignments of products of animal origin and of composite products originating from, and returning to the Union, following a refusal of entry by a third country, may pose a risk to public health. In order to ensure that those consignments comply with the food and food safety rules referred to in Article 1(2)(a) of Regulation (EU) 2017/625, it is appropriate to require that the competent authorities of the border control posts of arrival into the Union should authorise the re-entry of products of animal origin listed in Commission Implementing Regulation (EU) 2019/2007[(3)] and of composite products subject to veterinary checks at border control posts pursuant to Commission Decision 2007/275/EC[(4)], provided that those products comply with additional specific requirements.

(7) It is necessary to ensure that consignments of products of animal origin and composite products originating from, and returning to, the Union following a refusal of entry by a third country arrive at their place of destination. Therefore, the procedural requirements laid down in Commission Delegated Regulation (EU) 2019/1666[(5)] should apply to monitoring the transport and arrival of consignments of goods, from the border control post of arrival into the Union to the establishment at the place of destination.

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

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter and scope

This Regulation lays down rules for the performance of specific official controls at border control posts on consignments of the categories of animals and goods referred

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to in Article 47(1)(a), (b) and (c) of Regulation (EU) 2017/625 originating from and returning to the Union following a refusal of entry by a third country.

Article 2

Specific official controls on consignments of animals and goods originating from and returning to the Union following a refusal of entry by a third country

1 The competent authority at the border control post of arrival into the Union shall perform documentary and identity checks on consignments of animals and goods referred to in Article 47(1)(a), (b) and (c) of Regulation (EU) 2017/625 originating from and returning to the Union following a refusal of entry by a third country.

2 The competent authority at the border control post of arrival into the Union shall perform physical checks on the following consignments originating from and returning to the Union following a refusal of entry by a third country:

a consignments of animals referred to in Article 47(1)(a) of Regulation (EU) 2017/625;

b consignments of goods referred to in Article 47(1)(b) and (c) of Regulation (EU) 2017/625 where non-compliance of those goods with the rules referred to in Article 1(2) of Regulation (EU) 2017/625 is suspected in order to confirm or eliminate that suspicion.

3 The competent authority at the border control post of arrival into the Union shall verify compliance of consignments of animals and goods with the following requirements:

a for animals referred to in Article 47(1)(a) of Regulation (EU) 2017/625 and for germinal products referred to in Article 47(1)(b) of Regulation (EU) 2017/625, the animal health and welfare requirements, as appropriate, set out in the rules referred to in Article 1(2)(d) and (f) of Regulation (EU) 2017/625;

b for products of animal origin and composite products referred to in Article 47(1)(b) of Regulation (EU) 2017/625:

(i) the animal health requirements set out in the rules referred to in Article 1(2)(d) of Regulation (EU) 2017/625;

(ii) the additional rules laid down in Article 3 of this Regulation;

c for animal by-products referred to in Article 47(1)(b) of Regulation (EU) 2017/625 and for derived products, the requirements set out in the rules referred to in Article 1(2)(e) of Regulation (EU) 2017/625;

d for plants, plant products, and other objects referred to in Article 47(1)(c) of Regulation (EU) 2017/625, the plant health requirements set out in the rules referred to in Article 1(2)(g) of Regulation (EU) 2017/625.

4 The competent authority at the border control post of arrival into the Union shall inform the competent authority at the place of destination via the information management system for official controls referred to in Article 131 of Regulation (EU) 2017/625 ('IMSOC') of the fact that the consignment has been accepted to enter the Union with a specified place of destination indicated in the Common Health Entry Document (CHED).