Commission Implementing Regulation (EU) 2019/1714 of 30 September 2019 amending Regulations (EC) No 136/2004 and (EC) No 282/2004 as regards the model of common veterinary entry document for products and animals and amending Regulation (EC) No 669/2009 as regards the model of common entry document for certain feed and food of non-animal origin (Text with EEA relevance)

COMMISSION IMPLEMENTING REGULATION (EU) 2019/1714

of 30 September 2019

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(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC[(1)], and in particular Articles 3(2) and 7(2) thereof,

Having regard to Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries[(2)], and in particular Articles 3(5), 4(5) and 5(4) thereof,

Having regard to Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules[(3)], and in particular Article 15(5) thereof,

Having regard to Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety[(4)], and in particular Article 53(1) thereof,

Whereas:

(1) Commission Regulation (EC) No 136/2004[(5)] lays down the procedures for veterinary checks at border inspection posts on products entering the Union from third countries in accordance with Directive 97/78/EC. Annex III to that Regulation sets out the model for the common veterinary entry document (CVED) to be completed and transmitted by the person responsible for the load to notify the arrival of products to the veterinary staff of the border inspection post, and to be completed under the responsibility of

the official veterinarian at the border inspection post, confirming the completion of veterinary checks.

(2) Commission Regulation (EC) No 282/2004[(6)] lays down rules on the procedures for the declaration of, and veterinary checks at border inspection posts on animals entering the Union from third countries in accordance with Directive 91/496/EEC. Annex I to that Regulation sets out the model for the common veterinary entry document (CVED animals) to be completed and transmitted by the person responsible for the load to notify the arrival of animals to the inspection staff of the border inspection post, and to be completed under the responsibility of the official veterinarian at the border inspection post, confirming the completion of veterinary checks.

(3) Commission Regulation (EC) No 669/2009[(7)] lays down rules on the increased level of official controls to be carried out at designated points of entry into the Union on imports of certain feed and food of non-animal origin from certain third countries in accordance with Regulation (EC) No 882/2004. Annex II to Regulation (EC) No 669/2009 sets out the model for the common entry document (CED) to be completed and transmitted by feed and food business operators to notify the arrival of consignments to the competent authority at the designated point of entry (DPE) or at the designated point of import (DPI) for certain feed and food referred to in Commission Implementing Regulation (EU) No 884/2014[(8)], and to be completed by the authority confirming the completion of official controls.

(4) The web-based system TRACES was established by Commission Decision 2004/292/EC[(9)] to streamline the work of operators and competent authorities and to enable automated exchange of information between customs and veterinary authorities. Decision 2004/292/EC also requires Member States to use TRACES to complete and transmit the CVEDs for products and animals. Since 2011, TRACES also enables the completion and transmission of the CED by the operators and the competent authorities and is used for that purpose by Member States on a voluntary basis.

(5) Regulation (EU) 2017/625 of the European Parliament and of the Council[(10)] requires the Commission, in collaboration with the Member States, to set up and manage a computerised information management system for official controls (IMSOC) to manage, handle and automatically exchange data, information and documents in relation to official controls. The IMSOC is aimed to integrate and upgrade as necessary the information systems managed by the Commission, amongst them TRACES, and provide appropriate links between those systems and the existing national systems of the Member States. That Regulation repeals and replaces Directives 91/496/EEC and 97/78/EC and Regulation (EC) No 882/2004 with effect from 14 December 2019.

(6) Regulation (EU) 2017/625 provides that for each consignment of the categories of animals and goods referred to in Article 47(1) of that Regulation a common health entry document (CHED) is to be used by the operators responsible for the consignment, in order to notify the authorities at the border control post in advance of the arrival of the consignment and by the authorities at the border control post, in order to record the outcome of official controls and any decision taken on that basis. The CHEDs will thus replace CVEDs and CEDs as of 14 December 2019.

(7) Regulation (EU) 2017/625 also provides that the IMSOC is to allow for the production, handling and transmission of the CHED and it empowers the Commission to lay down rules on the format of the CHED and the instructions for its presentation and use, taking account of international standards, as well as the rules for the use of electronic signatures.

(8) To further facilitate and accelerate the administrative procedures for operators and competent authorities, the Commission has developed a new version of the TRACES system enabling the entire process of the CHED production to be performed electronically as of 14 December 2019. It uses international standards for paperless trade facilities, standards set out in Regulation (EU) No 910/2014 of the European Parliament and of the Council[(11)] for qualified electronic signature, seal and time stamp and the technical specifications laid down in the Annex to Commission Implementing Decision (EU) 2015/1506[(12)] for advanced electronic signature and seal.

(9) The current version of the TRACES system used to complete and transmit the CVEDs and CEDs will be phased out as of 14 December 2019 and from that date, operators and competent authorities will have to complete and submit the CHEDs using the new version of the TRACES system.

(10) In order to allow for a smooth transition towards the use of the new version of the TRACES system, the possibility to use either the current or the new version of the TRACES system to complete and transmit the CVED and CED should be offered to operators and competent authorities until 13 December 2019. To this end, this Regulation should lay down a model of CVED for animals and products and a model of CED for certain feed and food of non-animal origin that are compatible with the new version of the TRACES system.

(11) Regulations (EC) No 136/2004 and (EC) No 282/2004 provide that the production, use, transmission and storage of CVEDs may be done by electronic means at the discretion of the competent authority. Moreover, Regulation (EC) No 882/2004 provides that the Commission may adopt requirements concerning the principles to be respected to ensure reliable certification, including electronic certification. In order to streamline the completion and transmission of the models of CVEDs and CED in the new version of the TRACES system, this Regulation should establish the security requirements to be met with regard to the use of electronic CVEDs and CEDs in that system.

(12) It is therefore appropriate to amend the provisions on the notification of arrival of products and animals to allow the use of two different models of CVED and to lay down requirements for the completion of an electronic CVED in Regulations (EC) No 136/2004 and (EC) No 282/2004. Furthermore, an Annex to those Regulations setting out the model of CVED for products and animals for use in the new version of the TRACES system should be added.

(13) Similarly, it is appropriate to adapt the definition of the CED in Regulation (EC) No 669/2009 to allow the use of two different models of CED, to lay down requirements for the completion of an electronic CED and to add an Annex to that Regulation setting out the model of CED to be used in the new version of the TRACES system.

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2019/1714. (See end of Document for details)*

(14) For the sake of consistency, the date until which this Regulation should apply should correspond to the date on which Directives 91/496/EEC and 97/78/EC and Regulation (EC) No 882/2004 cease to apply.

(15) Regulations (EC) No 136/2004, (EC) No 282/2004 and (EC) No 669/2009 should therefore be amended accordingly.

(16) 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

Amendments to Regulation (EC) No 136/2004

Regulation (EC) No 136/2004 is amended as follows:

(1) in Article 2, paragraph 1 is replaced by the following:

1. Before the physical arrival of the consignment on Community territory the person responsible for the load shall notify the arrival of the products to the veterinary staff of the border inspection post to which the products are to be submitted, using a document drawn up in accordance with either of the models of common veterinary entry document (CVED) set out in Annex III and in Part 2 of Annex VI.;

(2) the following Article 10a is inserted:

Article 10a

Requirements for completing an electronic CVED

1 Where an electronic CVED is used, it shall be completed in the TRACES system and meet all of the following requirements:

- a it complies with the model set out in Part 2 of Annex VI;
- b it is signed with the electronic signature of the operator responsible for the load;
- c it is signed with the advanced or qualified electronic signature of the official veterinarian at the border inspection post or another official veterinarian operating under his/her supervision;
- d it bears the advanced or qualified electronic seal of the issuing competent authority to which the official veterinarian at the border inspection post or another official veterinarian operating under his/her supervision belongs;
- e it is sealed by the TRACES system with an advanced or qualified electronic seal.

2 Each of the operations referred to in paragraph 1 shall be timestamped with a qualified electronic time stamp.;

(3) a new Annex VI is added, the text of which is set out in Annex I to this Regulation.

Article 2

Amendments to Regulation (EC) No 282/2004

Regulation (EC) No 282/2004 is amended as follows:

(1) in Article 1, paragraph 1 is replaced by the following:

1. Where any animal referred to in Directive 91/496/EEC enters the Community from a third country, the person responsible for the load within the meaning of Article 2(2)(e) of Directive 97/78/EC shall give notice of such entry at least one working day before the expected arrival of the animal(s) on Community territory. Such notification shall be made to the inspection staff of the border inspection post using a document drawn up in accordance with either of the models of common veterinary entry document (CVED) set out in Annex I and Part 2 of Annex III.;

(2) the following Article 7a is inserted:

Article 7a

Requirements for completing an electronic CVED

1 Where an electronic CVED is used, it shall be completed in the TRACES system and meet all of the following requirements:

- a it complies with the model set out in Part 2 of Annex III;
- b it is signed with the electronic signature of the operator responsible for the load;
- c it is signed with the advanced or qualified electronic signature of the official veterinarian at the border inspection post or another official veterinarian operating under his/her authority;
- d it bears the advanced or qualified electronic seal of the issuing competent authority to which the official veterinarian at the border inspection post or another official veterinarian operating under his/her responsibility belongs;
- e it is sealed by the TRACES system with an advanced or qualified electronic seal.

2 Each of the operations referred to in paragraph 1 shall be timestamped with a qualified electronic time stamp.;

(3) a new Annex III is added, the text of which is set out in Annex II to this Regulation.

Article 3

Amendments to Regulation (EC) No 669/2009

Regulation (EC) No 669/2009 is amended as follows:

(1) in Article 3, point (a) is replaced by the following:

(a) "common entry document (CED)" means the document to be completed by the feed and food business operator or its representative as provided for in