Commission Delegated Regulation (EU) 2019/1602 of 23 April 2019 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council concerning the Common Health Entry Document accompanying consignments of animals and goods to their destination (Text with EEA relevance)

COMMISSION DELEGATED REGULATION (EU) 2019/1602

of 23 April 2019

supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council concerning the Common Health Entry Document accompanying consignments of animals and goods to their destination

(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 Regulation (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 50(4) thereof,

Whereas:

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

(2) As rules on the cases when, and the conditions under which, the CHED should accompany consignments in transit are to be laid down in a separate delegated act to be adopted pursuant to Article 51(1) of Regulation (EU) 2017/625, this Regulation should only apply to consignments intended to be placed on the market in the Union.

(3) Regulation (EU) 2017/625 provides that consignments of animals and goods entering the Union through designated border control posts are to be accompanied by the Common Health Entry Document (‘CHED’). Once the official controls have been performed and the CHED has been finalised, the consignments may be split into different parts, according to the commercial needs of the operator.

Changes to legislation: *There are outstanding changes not yet made to Commission Delegated Regulation (EU) 2019/1602. 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*

(4) With a view to ensuring traceability of consignments and proper communication with the competent authority at the place of destination, rules should be established on the conditions and the practical arrangements under which the CHED should accompany consignments intended for placing on the market to their destination. In particular, it is appropriate to lay down detailed rules related to the CHED for the cases where consignments are split.

(5) In order to ensure the traceability of consignments that are split at the border control post after official controls have been performed and the CHED has been finalised by the competent authority, it is appropriate to require that the operator responsible for the consignment also submits, through the information management system for official controls ('IMSOC') referred to in Article 131 of Regulation (EU) 2017/625, a CHED for each part of the split consignment, which should be finalised by the competent authorities of the border control post and should accompany each part of the split consignment to the destination declared in the respective CHED.

(6) For the purposes of preventing the fraudulent reuse of the CHED, it is appropriate to require the customs authorities to communicate to the IMSOC the information on the quantity of the consignment stated in the customs declaration, so as to ensure that the quantities stated in such customs declaration are deducted from the total allowed quantity declared in the CHED. Customs authorities are required to exchange information using the customs electronic data-processing techniques referred to in Article 6(1) of Regulation (EU) No 952/2013 of the European Parliament and of the Council[(2)]. Those electronic data-processing techniques should be used for the purposes of this Regulation. In order to allow the customs authorities sufficient time to set up those techniques, it is appropriate to provide that the obligation to communicate the information on the quantity of the consignments to the IMSOC applies in each Member State as from the date on which those techniques become operational in that Member State or from 1 March 2023, whichever is earlier.

(7) Since Regulation (EU) 2017/625 applies from 14 December 2019, this Regulation, should also apply from that date,

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter and scope

1 This Regulation establishes the cases where and the conditions under which the Common Health Entry Document referred to in Article 56 of Regulation (EU) 2017/625 ('CHED') is required to accompany to the place of destination each consignment of the categories of animals and goods referred to in Article 47(1) of Regulation (EU) 2017/625 which is intended to be placed on the market ('consignment').

2 This Regulation does not apply to consignments in transit.

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Article 2

Definition

For the purposes of this Regulation, 'place of destination' means the place where the consignment is delivered for final unloading, as stated in the CHED.

Article 3

Cases where the CHED shall accompany consignments to their place of destination

A CHED shall accompany each consignment irrespective of whether or not it is split at the border control post or subsequent to leaving the border control post but before being released for free circulation in accordance with Article 57(2)(b) of Regulation (EU) 2017/625.

Article 4

Conditions for the CHED accompanying consignments which are not split

Where a consignment is not split before being released for free circulation in accordance with Article 57(2)(b) of Regulation (EU) 2017/625, the following requirements shall apply:

(a) the operator responsible for a consignment shall ensure that a copy, on paper or in electronic form, of the CHED accompanies the consignment to the place of destination and until it is released for free circulation in accordance with Article 57(2)(b) of Regulation (EU) 2017/625;

(b) the operator responsible for the consignment shall indicate the reference number of the CHED in the customs declaration lodged with the customs authorities and shall keep a copy of that CHED at the disposal of the customs authorities in accordance with Article 163 of Regulation (EU) No 952/2013;

(c) the customs authorities shall communicate to the IMSOC the information on the quantity of the consignment stated in the customs declaration and shall only allow the placing of the consignment under a customs procedure when the total quantity set out in the CHED is not exceeded. This requirement shall not apply where the consignment is to be placed under the customs procedures referred to in points (a) and (b) of Article 210 of Regulation (EU) No 952/2013.

Article 5

Conditions for the CHED accompanying consignments split at the border control post

1 Where a consignment is to be split at the border control post, the following requirements shall apply:

a when giving prior notification in accordance with Article 56(3) of Regulation (EU) 2017/625, the operator responsible for the consignment shall declare the border control post as the place of destination in the CHED for the entire consignment;