Commission Implementing Regulation (EU) 2019/1014 of 12 June 2019 to lay down detailed rules on minimum requirements for border control posts, including inspection centres, and for the format, categories and abbreviations to use for listing border control posts and control points (Text with EEA relevance)

COMMISSION IMPLEMENTING REGULATION (EU) 2019/1014

of 12 June 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 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 Articles 60(2) and 64(4) thereof,

Whereas:

(1) Regulation (EU) 2017/625 establishes, inter alia, the framework for the performance of official controls and other official activities on animals and goods entering the Union from third countries to verify compliance with Union agri-food chain legislation in order to protect human, animal and plant health, animal welfare and, in relation to genetically modified organisms (GMOs) and plant protection products, also the environment. It provides that official controls are to be performed on consignments of animals and goods at the border control post of first arrival into the Union. To that end Member States are to designate border control posts.

(2) Regulation (EU) 2017/625 sets out minimum requirements to be fulfilled by border control posts in order to be designated. It is therefore appropriate to lay down detailed rules on the minimum requirements concerning the infrastructure, equipment and documentation of border control posts.

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(3) In order to protect human and animal health, additional detailed rules on the minimum requirements should be established for border control posts, which have been designated for the category of animals and certain categories of goods such as products of animal origin, animal by-products, germinal products, composite products and hay and straw.

(4) In certain cases, to take into account the particular unloading requirements of certain non-containerised consignments such as consignments of fishery products or consignments of animal by-products consisting for example of wool, and consignments of high volume bulk goods, which consist of large quantities of goods that are transported without being packed, border control posts should be exempted from the requirement to have an unloading area covered by a roof. Considering that consignments of bulk liquids of animal origin and non-animal origin are directly unloaded from the means of transport into tanks via special pipes, border control posts should not be required to have areas or rooms for the unloading of goods and inspection rooms or inspection areas for the performance of official controls and other official activities on bulk liquids.

(5) With a view to prevent risks of cross-contamination, it is appropriate to lay down separation requirements for the unloading, storage and inspection facilities at border control posts which have been designated for products of animal origin, composite products, animal by-products and germinal products. However, provisions should be made to derogate from the separation requirements where the border control post has been designated for packed goods only, or for packed and certain unpacked goods where the risk assessment of the competent authorities at the border control post shows that there is no possibility of cross-contamination. In the latter case, in order to effectively deal with risks of cross-contamination, competent authorities should in addition ensure time separation as regards the handling of consignments and that facilities are cleaned and disinfected between arrivals of consignments.

(6) As animals and goods entering the Union and subject to official controls at border control posts may not be in compliance with Union legislation, in order to avoid any risk of cross-contamination it is appropriate to establish rules to prohibit the use of certain border control posts facilities for consignments of animals and goods for intra-Union trade and to allow such use for consignments of animals and goods intended for export or which are moved from one point in the Union territory to another point in the Union territory, after passing through the territory of a third country, provided that the competent authorities implement appropriate risk prevention measures. Such measures should be based on an assessment of the capacity of the relevant facilities to accommodate such additional activity. The competent authorities should have appropriate arrangements in place to handle animals in accordance with Union rules on animal welfare.

(7) To promote the efficiency of official controls and other official activities, a degree of flexibility should be provided by permitting, under certain conditions, the use of storage facilities of commercial undertakings and the storage in the means of transport in which the consignment was brought to the border control post.

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(8) To facilitate the efficient organisation and performance of official controls and other official activities, it is appropriate to allow that border control posts are split into one or more inspection centres, where the categories of animals and goods for which the border control post has been designated are to be controlled. In that respect, minimum requirements should be laid down for inspection centres.

(9) The compliance of inspection centres with the minimum requirements for border control posts laid out in Article 64(3) of Regulation (EU) 2017/625 and the detailed rules on minimum requirements of this Regulation should be assessed by the Commission as part of the designation process of the border control post. Therefore, when notifying the Commission of the designation of a border control post, Member States should include all the necessary information about the inspection centres.

(10) In order to ensure a proper verification of compliance of border control posts and of inspection centres within such posts with the minimum requirements laid down in Article 64(3) of Regulation (EU) 2017/625 and with the detailed rules laid down in this Regulation, Member States should inform the Commission of any changes in the infrastructure or operation of a border control post, or of an inspection centre within that post, if such changes necessitate an update to the information provided to the Commission in accordance with Article 59(2) of Regulation (EU) 2017/625. It is therefore appropriate to require Member States in this Regulation to inform the Commission accordingly.

(11) Article 53(2) and Article 60(1) of Regulation (EU) 2017/625 requires each Member State to make available on the internet up to date lists of border control posts and control points on its territory and provide certain information for each border control post and control point. It is therefore appropriate to lay down in this Regulation the format for the lists of border control posts and control points together with the abbreviations to be used to indicate the categories of animals and goods for which border control posts and control points have been designated, and the additional specific information concerning the scope of the designation.

(12) For transparency reasons, all inspection centres used as part of a border control post should be listed along with the post itself in the list of border control posts, indicating the categories of animals and goods controlled in the inspection centres. Any change concerning the inspection centres should be accurately reflected in the list.

(13) The rules to be established by the Commission in accordance with Articles 60(2) and 64(4) of Regulation (EU) 2017/625 are closely linked since they all concern requirements applicable to border control posts and control points and should therefore apply from the same date. To facilitate the correct and comprehensive application of those rules, it is appropriate to establish them in a single act.

(14) Commission Decision 2001/812/EC[(2)] lays down minimum requirements for border inspection posts approved in accordance with Council Directive 97/78/EC[(3)], for inspection centres and rules for their listing. Commission Decision 2009/821/EC[(4)] draws up a list of approved border inspection posts. Commission Directive 98/22/EC[(5)] lays down minimum conditions for carrying out plant health checks at inspection posts

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on plant, plant products and other objects coming from third countries in accordance with Council Directive 2000/29/EC[(6)]. To ensure consistency and avoid overlap of requirements Decision 2001/812/EC, Decision 2009/821/EC and Directive 98/22/EC should be repealed.

(15) The relevant provisions and empowerments granted to the Commission set out in Regulation (EU) 2017/625 begin to apply from 14 December 2019. Therefore, the rules laid down in this Regulation should also apply from that date.

(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

Subject matter

1 This Regulation lays down rules for the implementation of Regulation (EU) 2017/625 as regards:

a common detailed rules on minimum requirements for the infrastructure, equipment and documentation of border control posts and control points other than border control posts;

b specific detailed rules on minimum requirements for border control posts designated for the categories of animals and goods referred to in Article 47(1)(a) and (b) of Regulation (EU) 2017/625;

c detailed rules on minimum requirements for inspection centres;

d the format, categories, abbreviations and other information for the listing of border control posts and control points other than border control posts.

Article 2

Definitions

For the purposes of this Regulation, the following definitions shall apply:

1. ‘packed goods’ means goods placed in any type of packaging which completely encloses the goods to prevent any leaking and loss of content;

2. ‘inspection centre’ means a separate facility set up within a border control post and established for the purpose of carrying out official controls and other official activities on animals and goods within the scope of the designation of the border control post;

3. ‘ungulates’ means ungulates as defined in Article 2(d) of Council Directive 2004/68/EC[(7)];

4. ‘registered equidae’ means registered equidae as defined in Article 2(c) of Council Directive 2009/156/EC[(8)].

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CHAPTER I

Common minimum requirements for border control posts

Article 3

Border control post infrastructure

1 Border control posts designated for the categories of animals and goods referred to in Article 47(1) of Regulation (EU) 2017/625 shall have the following facilities:

a areas or rooms where animals and goods are to be unloaded. Such areas must be covered by a roof, except in the cases referred to in paragraph 4;

b inspection rooms or inspection areas with a supply of hot and cold running water and facilities for washing and drying hands;

c housing areas or housing rooms for animals and storage areas or storage rooms, including rooms for cold storage where this is appropriate to the category of goods for which the border control post has been designated; and

d access to toilets supplied with facilities for washing and drying hands.

2 The rooms referred to in paragraph 1 shall be fitted with walls, floors and ceilings that are easy to clean and disinfect, adequate drainage and adequate natural or artificial light.

3 The areas referred to in paragraph 1 shall be easy to clean, have adequate drainage and adequate natural or artificial light.

4 The requirement for the unloading areas to be covered by a roof provided for in paragraph 1(a) shall not apply in the following cases:

a non-containerised consignments of fishery products for human consumption;

b consignments of animal by-products consisting of wool, bulk processed animal protein, loose manure or guano; and

c consignments of high volume bulk goods referred to in Article 47(1)(c), (d) and (e) of Regulation (EU) 2017/625.

5 The facilities referred to in paragraph 1(a) and (b) shall not be required for the performance of official controls and other official activities on bulk liquids of animal origin and non-animal origin.

6 Member States may exempt border control posts, which have been designated for the categories of goods referred in Article 47(1)(c) of Regulation (EU) 2017/625, from the following requirements:

a to have a supply of hot and cold running water and facilities for washing and drying hands as referred to in paragraph 1(b); and

b to have rooms with ceilings that are easy to disinfect as referred to in paragraph 2.

7 The facilities referred to in paragraph 1(a), (b) and (c) shall not be shared with the other categories of goods referred to in Article 47(1) of Regulation (EU) 2017/625 when used for products of animal origin and composite products.

8 The facilities referred to in paragraph 1(a), (b) and (c) shall not be shared with food of non-animal origin when used for germinal products and animal by-products.

9 By way of derogation from the requirements of paragraphs 7 and 8, border control posts may share the facilities referred to in paragraph 1(a), (b) and (c) in the following cases: