Commission Delegated Regulation (EU) 2019/1666 of 24 June 2019 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards conditions for monitoring the transport and arrival of consignments of certain goods from the border control post of arrival to the establishment at the place of destination in the Union (Text with EEA relevance)

COMMISSION DELEGATED REGULATION (EU) 2019/1666

of 24 June 2019

supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards conditions for monitoring the transport and arrival of consignments of certain goods from the border control post of arrival to the establishment at the place of destination in the Union

(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(2) thereof,

Whereas:

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

(2) Article 47(1)(b) of Regulation (EU) 2017/625 specifies the categories of goods subject to official controls at the border control post of first arrival into the Union. Those goods include products of animal origin, germinal products, animal by-products and foodstuffs containing both products of plant origin and processed products of animal origin (composite products).

(3) When consignments of certain goods referred to in Article 47(1)(b) of Regulation (EU) 2017/625 are imported into the Union, in certain cases, Union legislation provides that their transport from the border control post of arrival to the establishment at the place of

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destination and their arrival at their place of destination in the Union is to be monitored, in order to prevent any risks for public and animal health.

(4) Council Directive 97/78/EC[(2)] lays down rules governing the organisation of veterinary checks on products entering the Union from third countries and conditions regarding the transport of products which are to be monitored pursuant to Union legislation from the border inspection post of arrival to the establishment at the place of destination. These rules provide, inter alia, that consignments of such products are to be dispatched from the border inspection post of arrival to the establishment at the place of destination under the supervision of the competent authority in leak-proof vehicles or containers sealed by the competent authority.

(5) In addition, for certain animal by-products not intended for human consumption, Commission Regulation (EU) No 142/2011[(3)] requires the transport of consignments of such by-products to be carried out in accordance with the rules laid down in Directive 97/78/EC. Those animal by-products include certain blood and blood products, petfood, other than raw petfood, rendered fats imported for purposes outside the feed chain for farmed animals, horns and horn products, excluding horn meal, and hooves and hoof products, excluding hoof meal, intended for the production of organic fertilisers or soil improvers.

(6) Union law also provides for the monitoring of consignments of unskinned, furred wild game in accordance with rules for the performance of specific official controls laid down in accordance with Article 77(1)(b) of Regulation (EU) 2017/625 and in accordance with rules for additional public health conditions for products of animal origin and foodstuffs containing both products of plant origin and processed products of animal origin (‘composite products’) originating from, and returning to, the Union following a refusal of entry by a third country laid down in accordance with Article 77(1)(h) of Regulation (EU) 2017/625.

(7) Directive 97/78/EC has been repealed by Regulation (EU) 2017/625 with effect from 14 December 2019. It is therefore appropriate to lay down rules for the monitoring of the transport and arrival of consignments of certain goods referred to in Article 47(1)(b) of Regulation (EU) 2017/625 from the border control post of arrival to the establishment at the place of destination. These rules should apply where the transport from the border control post of arrival to the establishment at the place of destination in the Union and the arrival at the establishment of destination is required to be monitored in accordance with Union legislation.

(8) In order to provide effective monitoring of the transport and arrival of consignments from the border control post of arrival until their arrival at the establishment at their place of destination, the goods should be transported directly to the establishment at the place of destination indicated in the Common Health Entry Document (CHED).

(9) In order to prevent any risks to animal health and to public health, the arrival of the goods at the establishment at the place of destination indicated in the CHED (‘place of destination’) should be monitored. The competent authority of the border control post of arrival should indicate to the competent authority responsible for performing official controls at the establishment at the place of destination that the goods have

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left the border inspection post and are on the way to the establishment at the place of destination indicated in the CHED. If the goods do not arrive at the establishment at the place of destination, the competent authority of the border control post of arrival and the competent authority responsible for the establishment at the place of destination should initiate appropriate follow-up action in accordance with Regulation (EU) 2017/625 with respect to the operator responsible for the consignment.

(10) The provisions of this Regulation should apply without prejudice to the relevant provisions of the Regulation No (EU) 952/2013 of the European Parliament and of Council[(4)] regarding customs supervision.

(11) Regulation (EEC, Euratom) No 1182/71 of the Council[(5)] determines the general rules applicable to periods, dates and time limits to ensure the uniform application of Union law. Therefore, the rules laid down in that Regulation should be taken into account for the calculation of the time limits laid down in this Regulation.

(12) 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 monitoring the transport and arrival of consignments of goods referred to in Article 47(1)(b) of Regulation (EU) 2017/625 which are intended for placing on the market in the Union, where the transport of those goods from the border control post of arrival to the establishment at the place of destination in the Union is required to be monitored in accordance with Union legislation (the consignment).

Article 2

Conditions for monitoring the transport of consignments from the border control post of arrival in the Union to the establishment at the place of destination

1 The competent authority at the border control post of arrival in the Union shall only authorise the transport of the consignment to the establishment at the place of destination indicated in the Common Health Entry Document referred to in Article 56 of Regulation (EU) 2017/625 (CHED), if the outcome of its official controls at the border control post of arrival is favourable.

2 The consignment for which an authorisation has been granted in accordance with paragraph 1 shall be:

a sealed by the competent authority of the border control post of arrival;

b transported without being unloaded or split;

c transported directly to the establishment at the place of destination indicated in the CHED.