

Commission Delegated Regulation (EU) 2019/2126 of 10 October 2019 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards rules for specific official controls for certain categories of animals and goods, measures to be taken following the performance of such controls and certain categories of animals and goods exempted from official controls at border control posts (Text with EEA relevance)

Article 1

Subject matter

This Regulation establishes rules for the performance of specific official controls as regards certain categories of animals and goods and measures to be taken in case of non-compliance. It lays down rules for cases where and conditions under which certain categories of animals and goods are exempted from official controls at border control posts, and when such exemption is justified.

Article 2

Definitions

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

- (1) ‘IMSOC’ means the information management system for official controls referred to in Article 131 of Regulation (EU) 2017/625;
- (2) ‘fresh fishery products’ means fresh fishery products as defined in point 3.5 of Annex I to Regulation (EC) No 853/2004 of the European Parliament and of the Council⁽¹⁾;
- (3) ‘frozen tuna’ means tuna kept in compliance with the requirements set out in point (2) of Chapter VII of Section VIII of Annex III to Regulation (EC) No 853/2004.

Article 3

Unskinned, furred wild game

1 The competent authority of the border control posts of first arrival into the Union may allow the dispatch of consignments of unskinned, furred wild game to the establishment at the place of destination without finalising physical checks if the consignments are dispatched in vehicles or containers in accordance with Articles 2 and 3 of Commission Delegated Regulation (EU) 2019/1666⁽²⁾.

2 The competent authority referred to in paragraph 1 shall inform the competent authority of the establishment at the place of destination of the necessity to finalise physical checks, in particular health checks and laboratory testing.

3 The competent authority of the establishment at the place of destination shall inform the competent authority referred to in paragraph 1 of the results of the physical checks referred to in paragraph 2.

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Article 4

Fresh fishery products directly landed in Union ports designated by Member States from a fishing vessel flying a third country flag

Fresh fishery products directly landed from a fishing vessel flying a third country flag are exempted from official controls at border control posts provided that they are performed by competent authorities in Union ports designated by Member States in accordance with Article 5(1) of Regulation (EC) No 1005/2008.

Article 5

Frozen tuna directly landed in Union ports designated by Member States from a fishing vessel flying a third country flag

Member States may carry out, at the processing establishment of destination approved in accordance with Article 4 of Regulation (EC) No 853/2004, official controls of frozen tuna that has not been beheaded nor gutted and that has been landed directly in Union ports designated by Member States in accordance with Article 5(1) of Regulation (EC) No 1005/2008 from a fishing vessel flying a third country flag, subject to the following conditions:

- (a) the official controls are carried out by the competent authority of the nearest border control post;
- (b) the processing establishment of destination is approved by the customs authorities for the temporary storage of non-Union goods in accordance with Article 147(1) and Article 148 of Regulation (EU) No 952/2013;
- (c) the frozen tuna is dispatched from the vessel to the processing establishment of destination in sealed vehicles or transport containers, under the supervision of the competent authority carrying out the official controls and under the relevant customs procedure in accordance with Articles 134, 135, 140, 141 and Article 148(5) of Regulation (EU) No 952/2013;
- (d) prior to the arrival of the consignment at designated Union ports, the operator responsible for the consignment has notified the competent authority referred to in point (a) of this Article of the arrival of the consignment by submitting in the IMSOC a completed Common Health Entry Document (CHED) as referred to in Article 56 of Regulation (EU) 2017/625.

Article 6

Fishery products intended for human consumption caught by vessels flying the flag of a Member State, unloaded in third countries

1 Consignments of fishery products intended for human consumption caught by vessels flying the flag of a Member State, unloaded, with or without storage, in third countries before entering the Union by a different means of transportation as referred to in Article 72(1) of Implementing Regulation (EU) 2019/627 shall undergo documentary checks by the competent authority of the border control posts of first arrival into the Union.

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2 Consignments referred to in paragraph 1 may be exempted from identity and physical checks at border control posts provided that they comply with the conditions laid down in Article 72 of Regulation (EU) 2019/627.

3 When non-compliance with the rules referred to in Article 1(2) of Regulation (EU) 2017/625 is identified or suspected, the competent authority of the border control post of first arrival into the Union shall perform, in addition to documentary checks, identity and physical checks on the consignments referred to in paragraph 1 of this Article.

Article 7

Consignments entering the Union through certain Greek islands and certain French territories

1 Products of animal origin and composite products entering the Union from third countries through the authorised points of entry in the Greek islands of Rhodes, Mitilini and Iraklio (Crete) for local use in the Greek island of the point of entry are exempted from official controls at border control posts.

2 Animals, products of animal origin and composite products entering the Union from third countries through the authorised points of entry in the French overseas departments of Guadeloupe, French Guiana, Martinique and Mayotte for local use in the French overseas department of the point of entry are exempted from official controls at border control posts.

Article 8

Specific official controls on consignments entering the Union through certain Greek islands and certain French territories

1 Consignments referred to in Article 7 shall be subject, for each authorised point of entry, to checks in accordance with Annex I.

2 Each authorised point of entry shall be under the responsibility of a competent authority, which has at its disposal:

- a official veterinarians responsible for taking decisions on the consignments in accordance with point (a) of Article 55(2) of Regulation (EU) 2017/625, and
- b if deemed necessary by the competent authority, staff referred to in points (a) and (b) of Article 49(2) of Regulation (EU) 2017/625 trained in accordance with Article 2 of Commission Delegated Regulation (EU) 2019/1081⁽³⁾.

3 The competent authority of the authorised points of entry in the Greek islands referred to in Article 7(1) shall ensure that for each authorised point of entry staff and resources are available to carry out official controls on consignments of goods referred to in Article 7(1) for which the point of entry is authorised.

4 Each authorised point of entry in the French overseas departments referred to in Article 7(2) shall have all the facilities, equipment and staff necessary to carry out official controls on consignments of animals and goods referred to in Article 7(2) for which the point of entry is authorised.

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Article 9

Responsibilities of operators regarding consignments entering the Union through certain Greek islands and certain French territories

The operator responsible for consignments referred to in Article 7 shall:

- (a) notify the competent authority of the authorised point of entry of the arrival of the consignment by submitting a completed CHED in the IMSOC prior to the arrival of the consignment at the authorised point of entry;
- (b) keep a register approved by the competent authority of the authorised point of entry showing if applicable the quantities of animals, products of animal origin and composite products for placing on the market and the names and addresses of the purchaser(s);
- (c) inform the purchaser(s) that:
 - (i) the products of animal origin and composite products for placing on the market are for local consumption only and that these products must not be re-dispatched under any circumstances to other parts of the Union territory;
 - (ii) in the case of resale, the purchaser(s) must inform the new purchaser(s) where the latter is a commercial operator about the restrictions in accordance with point (c)(i);
- (d) in the case of the French overseas departments of Guadeloupe, French Guiana, Martinique and Mayotte, inform the purchaser(s) that:
 - (i) the animals for placing on the market are for local breeding and production only and that these animals and products derived from these animals must not be re-dispatched under any circumstances to other parts of the Union territory;
 - (ii) in the case of resale, the purchaser(s) must inform the new purchaser(s) where the latter is a commercial operator about the restrictions in accordance with point (d)(i).

Article 10

Repeals

1 Decision 94/641/EC and Implementing Decision 2012/44/EU are repealed with effect from 14 December 2019.

2 References to the repealed acts shall be construed as references to this Regulation and read in accordance with the correlation tables in Annex II.

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Article 11

Entry into force and date of application

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 14 December 2019.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 10 October 2019.

For the Commission

The President

Jean-Claude JUNCKER

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- (1) Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin ([OJ L 139, 30.4.2004, p. 55](#)).
- (2) Commission Delegated Regulation (EU) 2019/1666 of 4 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 ([OJ L 255, 4.10.2019, p. 1](#)).
- (3) Commission Delegated Regulation (EU) 2019/1081 of 8 March 2019 establishing rules on specific training requirements for staff for performing certain physical checks at border control posts ([OJ L 171, 26.6.2019, p. 1](#)).

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Changes and effects yet to be applied to :

- Annex 1 omitted by [S.I. 2020/1631 reg. 28\(10\)](#)
- Art. 3(1) words substituted by [S.I. 2020/1631 reg. 28\(3\)](#)
- Art. 4 words substituted by [S.I. 2020/1631 reg. 28\(4\)](#)
- Art. 5 word substituted by [S.I. 2020/1631 reg. 28\(5\)\(b\)\(ii\)](#)
- Art. 5 heading words substituted by [S.I. 2020/1631 reg. 28\(5\)\(a\)](#)
- Art. 5 words substituted by [S.I. 2020/1631 reg. 28\(5\)\(b\)\(i\)](#)
- Art. 5 words substituted by [S.I. 2020/1631 reg. 28\(5\)\(b\)\(iii\)](#)
- Art. 6 heading words substituted by [S.I. 2020/1631 reg. 28\(6\)\(a\)](#)
- Art. 6(1) words substituted by [S.I. 2020/1631 reg. 28\(6\)\(b\)\(i\)](#)
- Art. 6(1) words substituted by [S.I. 2020/1631 reg. 28\(6\)\(b\)\(ii\)](#)
- Art. 6(3) words substituted by [S.I. 2020/1631 reg. 28\(6\)\(c\)](#)
- Art. 7-9 omitted by [S.I. 2020/1631 reg. 28\(7\)](#)

Changes and effects yet to be applied to the whole legislation item and associated provisions

- Signature words omitted by [S.I. 2020/1631 reg. 28\(9\)](#)
- Art. 2(1) substituted by [S.I. 2020/1631 reg. 28\(2\)\(a\)](#)
- Art. 2(4)-(6) inserted by [S.I. 2020/1631 reg. 28\(2\)\(b\)](#)
- Art. 5(b) words substituted by [S.I. 2020/1631 reg. 28\(5\)\(c\)](#)
- Art. 5(c) words substituted by [S.I. 2020/1631 reg. 28\(5\)\(d\)](#)
- Art. 5(d) words substituted by [S.I. 2020/1631 reg. 28\(5\)\(e\)\(i\)](#)
- Art. 5(d) words substituted by [S.I. 2020/1631 reg. 28\(5\)\(e\)\(ii\)](#)
- Art. 10a inserted by [S.I. 2020/1631 reg. 28\(8\)](#)