

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)

COMMISSION DELEGATED REGULATION (EU) 2019/2126

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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 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 48(h) and Article 77(1)(a), (b) and (k) thereof,

Whereas:

- (1) Article 77(1)(a), (b) and (k) of Regulation (EU) 2017/625 empowers the Commission to adopt rules for the performance of specific official controls for certain categories of animals and goods entering the Union and on measures to be taken in case of non-compliance.
- (2) In the interest of ensuring efficient official controls of consignments of unskinned, furred wild game introduced into the Union, specific control requirements should be laid down where physical controls are finalised at the establishment of destination since complete physical checks and sampling cannot be performed at border control posts.

- (3) In the interest of ensuring efficient official controls of fresh fishery products directly landed in Union ports, it should be allowed for official controls to be performed in ports designated by Member States in accordance with Council Regulation (EC) No 1005/2008⁽²⁾.
- (4) Article 77(1)(k) of Regulation (EU) 2017/625 empowers the Commission to adopt rules for the performance of specific official controls for animals and goods referred to in Article 48(h) of that Regulation posing a low risk or no specific risk and exempted from official controls at border control posts, when such an exemption is justified.
- (5) Where official controls are not performed at border control posts, conditions, such as adequate control arrangements, should be established to ensure that no unacceptable risks to public, animal and plant health are incurred where such animals and goods enter the Union.
- (6) In the case of frozen tuna posing low risk or no specific risk in accordance with Article 48(h) of Regulation (EU) 2017/625, official controls may be carried out at the processing establishment of destination, which is to be approved by the customs authorities for the temporary storage of non-Union goods in accordance with Regulation (EU) No 952/2013 of the European Parliament and of the Council⁽³⁾.
- (7) In the case of fishery products posing low risk or no specific risk in accordance with Article 48(h) of Regulation (EU) 2017/625 caught by vessels flying the flag of a Member State and introduced into the Union after being unloaded in third countries, as referred to in Article 72 of Commission Implementing Regulation (EU) 2019/627⁽⁴⁾, measures should be taken in case of suspected non-compliance.
- (8) Animals and goods entering the Union through certain Greek islands and through certain French territories pose a low risk given that such animals and goods are not placed on the market outside these islands or territories. Adequate official control requirements and measures should be established to ensure that such animals and goods are not placed on the market outside these islands or territories.
- (9) In order to rationalise and simplify the application of the legislative framework the rules on official controls under Article 77(1)(k) and Article 48(h) of Regulation (EU) 2017/625 should be adopted together with the rules on official controls on other categories of goods listed in Article 77(1)(a) and (b) of that Regulation.
- (10) These rules are substantially linked and many are intended to be applied in tandem. In the interest of simplicity and transparency, as well as to facilitate their application and avoid a multiplication of rules, they should therefore be laid down in a single act rather than in a number of separate acts with many cross-references and the risk of duplication.
- (11) Given that this Regulation lays down rules covered by Commission Decision 94/641/EC⁽⁵⁾ and Commission Implementing Decision 2012/44/EU,⁽⁶⁾ those legal acts should be repealed.
- (12) Since Regulation (EU) 2017/625 applies from 14 December 2019, this Regulation should also apply from that date,

HAS ADOPTED THIS REGULATION:

- (1) [OJ L 95, 7.4.2017, p. 1.](#)
- (2) Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999 ([OJ L 286, 29.10.2008, p. 1.](#)).
- (3) Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code ([OJ L 269, 10.10.2013, p. 1.](#)).
- (4) Commission Implementing Regulation (EU) 2019/627 of 15 March 2019 laying down uniform practical arrangements for the performance of official controls on products of animal origin intended for human consumption in accordance with Regulation (EU) 2017/625 of the European Parliament and of the Council and amending Commission Regulation (EC) No 2074/2005 as regards official controls ([OJ L 131, 17.5.2019, p 51.](#)).
- (5) Commission Decision 94/641/EC of 8 September 1994 laying down rules applicable to veterinary checks to be carried out on products imported into certain Greek islands from third countries ([OJ L 248, 23.9.1994, p. 26.](#)).
- (6) Commission Implementing Decision 2012/44/EU of 25 January 2012 on the rules applicable to veterinary checks to be carried out on live animals and products of animal origin entering certain French overseas departments from third countries ([OJ L 24, 27.1.2012, p. 14.](#)).