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**COMMISSION IMPLEMENTING REGULATION (EU) .../...**

**of XXX**

**establishing detailed rules on the operations to be carried out during and after  
documentary checks, identity checks and physical checks on animals and goods subject  
to official controls at border control posts**

(Text with EEA relevance)

# COMMISSION IMPLEMENTING REGULATION (EU) .../...

of **XXX**

**establishing detailed rules on the operations to be carried out during and after documentary checks, identity checks and physical checks on animals and goods subject to official controls at border control posts**

(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)<sup>1</sup>, and in particular Article 52 thereof,

Whereas:

- (1) Regulation (EU) 2017/625 establishes the rules for the competent authorities of Member States when they perform official controls on animals and goods entering the Union in order to verify compliance with the Union agri-food chain legislation.
- (2) Pursuant to Regulation (EU) 2017/625, certain consignments of the categories of animals and goods referred to in its Article 47(1) should always be presented at border control posts for official controls. Those official controls are to include documentary checks, identity checks and physical checks. For the purpose of ensuring the uniform implementation of Articles 49, 50 and 51 of Regulation (EU) 2017/625 and the efficient performance of official controls on the categories of animals and goods referred to above, detailed rules concerning the performance of documentary checks, identity checks and physical checks at border control posts should be laid down in this Regulation.
- (3) The rules on the operations to be carried out during and after documentary checks, identity checks and physical checks at the border control posts of arrival or control points should also apply to certain categories of feed and food of non-animal origin subject to measures provided for by the acts referred to in points (d), (e) and (f) of the first subparagraph of Article 47(1) of Regulation (EU) 2017/625
- (4) For certain consignments plants, plant products and other goods entering the Union, identity checks and physical checks may be performed by competent authorities at

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<sup>1</sup> OJ L 95 7.4.2017, p. 1.

control points or documentary checks may be performed at distance from the border control post of arrival, in accordance with the acts adopted pursuant to Article 53(1)(a) and (e) of Regulation (EU) 2017/625. The rules on the operations to be carried out during and after documentary checks, identity checks and physical checks should also apply in such situations.

- (5) All relevant documents which are required to accompany consignments of the categories of animals and goods referred to in Article 47(1) of Regulation (EU) 2017/625 should be checked to ensure that they are based on the relevant model document, that the general certification requirements are fulfilled and that they provide the guarantees required under Union legislation or applicable national rules.
- (6) The operations carried out during identity checks and physical checks before the date of application of this Regulation have proven to be effective and ensure a high level of performance of checks. Therefore, the rules laid down in this Regulation should reflect the requirements for the performance of identity checks and physical checks laid down in Council Directives 91/496/EEC<sup>2</sup>, 97/78/EC<sup>3</sup> and 2000/29/EC<sup>4</sup>, Commission Regulations (EC) No 136/2004<sup>5</sup> and (EC) No 282/2004<sup>6</sup> and Commission Decision 97/794/EC<sup>7</sup>.
- (7) For the purpose of organising an efficient system of official controls on consignments of categories of animals and goods referred to in Article 47(1) of Regulation (EU) 2017/625 after documentary checks, identity checks and physical checks were carried out, the competent authorities should close and identify the packages which were opened for the purpose of the checks.
- (8) When consignments of certain categories of goods referred to in Article 47(1) of Regulation (EU) 2017/625 enter the Union, Union legislation provides that laboratory analyses, tests or diagnoses are to be carried out or that the means of transport are to be sealed to ensure a high level of consumer protection and to prevent any risk for public, animal and plant health. In such cases, the results of the laboratory analyses, tests or diagnoses or the seal numbers should be recorded either in the Common Health Entry Document (CHED) or in the information management system for official controls (IMSOC)

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<sup>2</sup> Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675 (OJ L 268, 24.9.1991, p. 56).

<sup>3</sup> Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries (OJ L 24, 30.1.1998, p. 9).

<sup>4</sup> Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community (OJ L 169, 10.7.2000, p. 1).

<sup>5</sup> Commission Regulation (EC) No 136/2004 of 22 January 2004 laying down procedures for veterinary checks at Community border inspection posts on products imported from third countries (OJ L 21, 28.1.2004, p. 11).

<sup>6</sup> Commission Regulation (EC) No 282/2004 of 18 February 2004 introducing a document for the declaration of, and veterinary checks on, animals from third countries entering the Community (OJ L 49, 19.2.2004, p. 11).

<sup>7</sup> Commission Decision 97/794/EC of 12 November 1997 laying down certain rules for the application of Council Directive 91/496/EEC as regards veterinary checks on live animals to be imported from third countries (OJ L 323, 26.11.1997, p. 31).

- (9) To ensure traceability of the animals and goods entering the Union, the original official certificates or documents should be kept for a certain period at the border control post of arrival into the Union.
- (10) Since this Regulation lays down provisions in the areas covered by Regulations (EC) No 136/2004 and (EC) No 282/2004 and Decision 97/794/EC, these acts should be repealed with effect from the date of application of this Regulation.
- (11) Regulation (EU) 2017/625 applies from 14 December 2019. Accordingly, the rules laid down in this Regulation should also apply from that date.
- (12) 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 and scope***

This Regulation lays down detailed rules on the operations to be carried out during and after the documentary checks, identity checks and physical checks referred to in Articles 49, 50 and 51 of Regulation (EU) 2017/625 on consignments of the categories of animals and goods referred to in Article 47(1) of that Regulation.

*Article 2*  
***Detailed rules for documentary checks***

1. For each consignment of animals and goods referred to in Article 1, the competent authority shall ascertain the use to which the animals and goods are assigned pursuant to the official certificates, official attestations and other documents accompanying the consignment as well as the consignment's destination indicated in these certificates, attestations and documents.
2. The competent authority shall inspect all official certificates, official attestations and other documents referred to in point (41) of Article 3 of Regulation (EU) 2017/625 or their electronic equivalents submitted in the information management system for official controls (IMSOC) referred to in Article 131 of that Regulation or via existing national systems in order to ascertain that:
  - (a) they are issued by the competent authority of the third country, where applicable;
  - (b) they fulfil the requirements set out in Articles 89(1) and 91(2) of Regulation (EU) 2017/625 and in the implementing acts referred to in Article 90 of that Regulation;
  - (c) they correspond to the model established by the rules referred to in Article 1(2) of Regulation (EU) 2017/625;
  - (d) the particulars contained in the certificates or documents afford the guarantees required in the rules referred to in Article 1(2) of Regulation (EU) 2017/625
3. The competent authority shall check that the operator responsible for the consignment completed the relevant part of the Common Health Entry Document (CHED) fully and correctly as required by Article 56(1) of Regulation (EU) 2017/625 and that the information in it corresponds to the information provided in

the official certificates, official attestations and other documents accompanying the consignment.

### *Article 3*

#### ***Detailed rules for identity checks***

1. During identity checks on consignments of animals and goods referred to in Article 1, the competent authority shall verify that the following elements, as appropriate, correspond to the information provided in the official certificates, official attestations and other documents accompanying the consignment:
  - (a) the number of animals, their species, breed, sex, age and category;
  - (b) the content of the consignment;
  - (c) the quantity of the consignment;
  - (d) the appropriate stamps and identification marks or codes;
  - (e) the identification of the means of transport;
  - (f) seals on containers or means of transport.
2. For consignments of products of animal origin, germinal products, animal by-products, derived products, hay and straw and composite products, the identity checks may be limited to points (e) and (f) of paragraph 1 in the cases where:
  - (a) the consignment is not selected for physical checks;
  - (b) the entire consignment has been loaded in transport units which are closed and locked by a seal('containerised consignment');
  - (c) seals on containers or means of transport are intact and not tampered with;
  - (d) the seals on containers or means of transport were fixed by or under the supervision of the competent authority issuing the official certificate; and
  - (e) the information available on seals correspond to that given in the accompanying official certificate required by the rules referred to in Article 1(2) of Regulation (EU) 2017/625.
3. For consignments of products of animal origin, germinal products, animal by-products, derived products, hay and straw and composite products, the selection of items or packages for identity checks referred in paragraph 1 shall cover 1 % of the items or packages in a consignment, with a minimum of two items or packages and up to a maximum of 10 items or packages. Where, on the bases of selected items or packages does not allow to the competent authority to complete identity check, the number of items or packages checked may be increase to perform more extensive checks.
4. For consignments of animals, identity checks shall be based on the following rules:
  - (a) for animals for which individual identification is required by Union legislation, at least 10 % of the animals with a minimum of 10 animals shall be selected from the consignment so as to be representative of the whole consignment. Where the consignment contains less than 10 animals, the identity checks shall be carried out on each animal in the consignment;

- (b) for animals for which individual identification is not required by Union legislation, the marking shall be checked of a representative number of packages or containers;
  - (c) if the identity checks laid down in points (a) and (b) have not been satisfactory, the number of animals checked shall be increased and may reach the total number of animals in the consignment concerned.
5. Consignments shall be partially or fully unloaded from the means of transport where it is necessary to have access to the whole consignment for the purpose of identity checks.

*Article 4*  
***Detailed rules for physical checks***

1. During physical checks on consignments of animals and goods referred to in Article 1, the competent authority shall verify that the consignments comply with the rules referred to in Article 1(2) of Regulation (EU) 2017/625 and the specific requirements defined in the relevant official certificates, official attestations and other documents.
2. Consignments shall be partially or fully unloaded from the means of transport where it is necessary to have access to the whole consignment for the purpose of physical checks.
3. Physical checks on animals shall be carried out in accordance with the requirements set out in Annex I.
4. Physical checks on products of animal origin, germinal products, animal by-products, derived products, hay and straw and composite products and on feed and food of non-animal origin subject to measures provided for by the acts referred to in points (d), (e) and (f) of Article 47(1) of Regulation (EU) 2017/625 shall be carried out in accordance with the requirements set out in Annex II to this Regulation.  

Laboratory tests to detect hazards on products of animal origin, germinal products, animal by-products, derived products, hay and straw and composite products shall be carried out in accordance with the monitoring plan referred to in point 5 of Annex II.
5. Physical checks on plants, plant products and other objects referred to in point (c) of Article 47(1) of Regulation (EU) 2017/625 and, where applicable, subject to emergency measures provided for in the acts referred to in point (e) of Article 47(1) of that Regulation shall be carried out in accordance with the requirements set out in Annex III to this Regulation.
6. Consignments of ungulates sampled in line with sampling requirements referred in part III of Annex I, for which no immediate danger to public health or animal health is suspected, may be placed on the market before the laboratory test results are available
7. Consignments tested pursuant to the monitoring plan referred in the second subparagraph of Article 4(4), for which no immediate danger to public health or animal health is suspected, may be placed on the market before the laboratory test results are available.

8. Consignments checked pursuant to point 6 of Annex III, for which no immediate danger to plant health for plants for planting is suspected, may be placed on the market before the laboratory test results are available.

#### *Article 5*

#### ***Operations to be carried out after documentary checks, identity checks and physical checks***

1. After completion of the checks provided for in Article 49(1) of Regulation (EU) 2017/625, the competent authority shall:
  - (a) close and identify with an official mark the packages which it has opened for the purpose of identity checks or physical checks;
  - (b) in the cases required by Union legislation, seal the means of transport and enter the seal number in the CHED.
2. The competent authorities shall record in the IMSOC all the results of laboratory analyses, tests or diagnoses, as soon as they are available, of the consignments tested and placed on the market before laboratory test results are available.
3. The original official certificates or documents, or electronic equivalents, referred to in Article 50(1) of Regulation (EU) 2017/625 shall be kept by the competent authority of the border control post of arrival into the Union for at least three years from the date on which the consignment was authorised enter the Union.

However, the original certificate or documents for the plants, plant products and other objects referred to in point (c) of Article 47(1) of Regulation (EU) 2017/625 may be kept by means of electronic storage of information provided that such information is generated by the competent authority on the basis of the original certificate or documents. In such cases, the original certificate or document shall be invalidated or destroyed by the competent authority. A copy of the original official certificate or documents referred to in Article 50(1) of Regulation (EU) 2017/625 shall be kept by the competent authority of the border control post of arrival into the Union for at least three years from the date on which the consignment was authorised enter the Union or for onward travel ('transhipped consignments') in paper or electronic format in the cases where the rules referred to in Article 1(2) of that Regulation do not require original certificates or documents to be presented to, and kept by, the competent authority.

#### *Article 6*

#### ***Repeals***

Regulations (EC) No 136/2004 and (EC) No 282/2004 and Decision 97/794/EC are repealed with effect from 14 December 2019.

#### *Article 7*

#### ***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,

*For the Commission*  
*The President*  
*Jean-Claude JUNCKER*