

Non-paper in view of an implementing act based on Articles 47 (2) (b) and 54 (4) (a) of Regulation (EU) 2017/625 and Article 53 (1) (b) of Regulation (EC) No 178/2002

This draft has not been adopted or endorsed by the European Commission.

Any views expressed are the preliminary views of the Commission services and may not in any circumstances be regarded as stating an official position of the Commission.

The selection of goods listed in Annex I to this draft non-paper (goods subject to a temporary increase of controls in accordance with Art. 47 (2) (b) of Regulation (EU) 2017/625) and in Annex II (feed and food of non-animal origin subject to emergency measures in accordance with Art. 53 (1) (b) of Regulation (EC) 178/2002) is based on the lists of goods currently set out respectively in Commission Regulation 669/2009¹ and in Commission Regulations (EC) No 884/2014², (EC) No 885/2014³, (EC) No 2015/175⁴ and (EC) No 2017/186⁵. These lists will be updated to reflect the conditions concerning risk or non-compliance laid down respectively in Article 47 (1) (d) of Regulation 2017/625 and in Article 53 (1) (b) of Regulation 178/2002.

The information transmitted is intended only for the Member State or entity to which it is addressed for discussions and may contain confidential and/or privileged material.

Version for the Working Group meeting on 5 October 2018

¹Commission Regulation (EC) No 669/2009 of 24 July 2009 implementing Regulation (EC) No 882/2004 of the European Parliament and of the Council as regards the increased level of official controls on imports of certain feed and food of non-animal origin and amending Decision 2006/504/EC (OJ L 194, 25.7.2009, p. 11).

² Commission Implementing Regulation (EU) No 884/2014 of 13 August 2014 imposing special conditions governing the import of certain feed and food from certain third countries due to contamination risk by aflatoxins and repealing Regulation (EC) No 1152/2009 (OJ L 242 14.8.2014, p. 4).

³ Commission Implementing Regulation (EU) No 885/2014 of 13 August 2014 laying down specific conditions applicable to the import of okra and curry leaves from India and repealing Implementing Regulation (EU) No 91/2013 (OJ L 242, 14.8.2014, p. 20).

⁴ Commission Implementing Regulation (EU) 2015/175 of 5 February 2015 laying down special conditions applicable to the import of guar gum originating in or consigned from India due to contamination risks by pentachlorophenol and dioxins (OJ L 30, 6.2.2015, p. 10).

⁵ Commission Implementing Regulation (EU) 2017/186 of 2 February 2017 laying down specific conditions applicable to the introduction into the Union of consignments from certain third countries due to microbiological contamination and amending Regulation (EC) No 669/2009 (OJ L 29, 3.2.2017, p. 24).

EXPLANATORY NOTE

1. LEGAL CONTEXT OF THIS IMPLEMENTING REGULATION

Regulation (EU) 2017/625⁶ integrates into a single legislative framework the rules applicable to official controls on animals and goods entering the Union in order to ensure the correct application and enforcement of Union agri-food chain legislation. For that purpose, it repeals and replaces Regulation (EC) No 882/2004⁷ and other Union acts governing official controls in specific areas.

Regulation (EU) 2017/625 provides for the possibility of requiring that certain categories of goods should be subject temporarily to official controls at border control posts by virtue of specific Union measures to that effect listed in points (d), (e) and (f) of Art. 47 (1) thereof.

The objectives of this proposal are:

- **Consolidation**

This proposal would consolidate in one single instrument temporary measures which govern the import of certain goods from certain third countries as follows:

=> measures for the establishment of the list of goods from certain third countries, indicating their codes from the Combined Nomenclature, to be subject to a temporary increase of official controls at border control posts due to a known or emerging risk or because there is evidence of widespread serious non-compliance with relevant rules, in accordance with Article 47 (2) (b) of Regulation (EU) 2017/625 (rules set out currently in Regulation 669/2009⁸);

=> rules on the frequency of identity and physical checks for such goods, in accordance with Article 54 (4) (a) of Regulation (EU) 2017/625 (rules set out currently in R. 669/2009);

⁶ 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) (OJ L 95, 7.4.2017, p. 1).

⁷ Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules (OJ L 165 30.4.2004, p. 1).

⁸ Commission Regulation (EC) No 669/2009 of 24 July 2009 implementing Regulation (EC) No 882/2004 of the European Parliament and of the Council as regards the increased level of official controls on imports of certain feed and food of non-animal origin and amending Decision 2006/504/EC (OJ L 194 25.7.2009, p. 11).

=> emergency measures for feed and food of non-animal origin from certain third countries set out in accordance with Article 53 (1) (b) of Regulation 178/2002⁹, where appropriate;
=> rules on the frequency of identity and physical checks for such feed and food, in accordance with Article 54 (4) (b) of Regulation (EU) 2017/625;

This consolidation is appropriate also in view of the need for a coherent legal framework to apply to controls on imports of feed and food of non-animal origin from certain third countries, building around the system set out in Regulation 669/2009 (e.g. as regards controls on transhipped consignments, physical checks at inland control points), which will be developed in the context of the delegated and implementing acts foreseen in Regulation 2017/625. This Regulation will thus repeal and replace Commission Regulations 669/2009, as well as (EC) No 884/2014¹⁰, (EC) No 885/2014¹¹, (EC) No 2015/175¹² and (EC) No 2017/186¹³ with effect from 14 December 2019.

▪ **Simplification of the Legal Framework** via:

- the establishment of new rules on the frequency of identity checks and physical checks for the goods subject to a temporary increase of official controls and for feed and food of non-animal origin subject to emergency measures that will allow a more proactive and user-friendly system, consisting in the adjustment of the frequency for each type of goods on a quarterly basis via the Information Management System for Official Controls (IMSOC), using as main parameters the level of risk associated with the hazard under consideration and the frequency of border rejections;
- the rationalisation of the provisions on official controls to avoid duplications between this Regulation and Regulation 2017/625 and delegated and implemented acts adopted in accordance with that Regulation 2017/625 (based on mapping of correlation of existing provisions with Regulation 2017/625);
- the consolidation and simplification of emergency measures for feed and food of non-animal origin adopted on the basis of Article 53 (1) (b) of Regulation 178/2002, including via the establishment of a single model health certificate;
- the deletion of reporting obligations of Member States set out in Regulations (EC) 669/2009, (EC) No 884/2014, (EC) No 885/2014, (EC) No 2015/175 and (EC) No 2017/186,

⁹ Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 031, 1.2.2002, p.1).

¹⁰ Commission Implementing Regulation (EU) No 884/2014 of 13 August 2014 imposing special conditions governing the import of certain feed and food from certain third countries due to contamination risk by aflatoxins and repealing Regulation (EC) No 1152/2009 (OJ L 242 14.8.2014, p. 4).

¹¹ Commission Implementing Regulation (EU) No 885/2014 of 13 August 2014 laying down specific conditions applicable to the import of okra and curry leaves from India and repealing Implementing Regulation (EU) No 91/2013 (OJ L 242, 14.8.2014, p. 20).

¹² Commission Implementing Regulation (EU) 2015/175 of 5 February 2015 laying down special conditions applicable to the import of guar gum originating in or consigned from India due to contamination risks by pentachlorophenol and dioxins (OJ L 30, 6.2.2015, p. 10).

¹³ Commission Implementing Regulation (EU) 2017/186 of 2 February 2017 laying down specific conditions applicable to the introduction into the Union of consignments from certain third countries due to microbiological contamination and amending Regulation (EC) No 669/2009 (OJ L 29, 3.2.2017, p. 24).

given that the Commission may compile that information on the basis of the information that must be submitted by the Member States in the IMSOC

- **Continued relevance of existing measures**

A regular review of the lists of goods covered is foreseen, i.e. at least every 6 months, with a view to assess whether risks still exist, or whether a different special measure is required. One single act would allow for a transparent and efficient review and for a swifter revision of these measures. This in turn would ensure their continued relevance.

2. LEGAL BASIS

Art. 47 (2) (b) and Art. 54 (4) (a) and (b) of R. 2017/625 and Art. 53 (1) (b) of R. 178/2002.

DRAFT

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DRAFT

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

of **[DATE]**

LAYING DOWN RULES FOR THE APPLICATION OF REGULATION (EU) 2017/625 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AND OF REGULATION (EC) 178/2002 AS REGARDS TEMPORARY MEASURES GOVERNING THE IMPORT OF CERTAIN GOODS FROM CERTAIN THIRD COUNTRIES AND REPEALING COMMISSION REGULATIONS (EC) No 669/2009, (EC) No 884/2014, (EC) No 885/2014, (EC) No 2015/175 and (EC) No 2017/186

(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) 1107/2009, (EU) 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, 60/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation)¹⁴, and in particular Articles 47 (2) (b) and 54 (4) (a) and (b) thereof,

Having regard to Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law,

¹⁴ OJ L 95, 7.4.2017, p. 1.

establishing the European Food Safety Authority and laying down procedures in matters of food safety¹⁵, and in particular Article 53 (1) (b) thereof,

Whereas:

- (1) Regulation (EU) 2017/625 integrates into a single legislative framework the rules applicable to official controls on animals and goods entering the Union in order to ensure the correct application and enforcement of Union agri-food chain legislation. For that purpose, it repeals and replaces Regulation (EC) No 882/2004¹⁶ and other Union acts governing official controls in specific areas.
- (2) Pursuant to Regulation (EU) 2017/625, certain categories of animals and goods from third countries should always be presented at a border control post for official controls to be performed prior to their entry into the Union.
- (3) In addition, that regulation provides the possibility to require that other categories of goods from certain third countries should be subject temporarily to official controls at border control posts by virtue of specific Union measures to that effect.
- (4) In that regard, pursuant to Regulation (EU) 2017/625, certain goods should be subject to a temporary increase of official controls at border control posts – where the Commission has decided, by means of implementing acts, that these controls are necessary due to a known or emerging risk or because there is evidence of widespread serious non-compliance with the Union agri-food chain legislation. To that effect, the Commission should establish the list of those goods, indicating their codes from the Combined Nomenclature (CN) as laid down in Annex I to Regulation (EEC) No 2658/87¹⁷ (hereinafter, "the list") and update the list as necessary. It is therefore appropriate to set out in this Regulation the list of goods to be subject to a temporary increase of official controls at the border control post of first arrival into the Union in accordance with Article 47 (2) (b) of Regulation (EU) 2017/625.
- (5) Such temporary increase of official controls should not be required in relation to feed and food of non-animal origin intended for transit, since it represents a low risk from a food safety perspective and there is no placing in the market of such feed and food of non-animal origin within the Union.
- (6) Moreover, the Commission should establish rules on the frequency of identity checks and physical checks for the goods subject to a temporary increase of controls, in accordance with Article 54 (4) (a) of Regulation (EU) 2017/625. It is appropriate to establish such rules that will allow a more proactive and user-friendly system, consisting in the adjustment of the frequency for each type of goods on a quarterly basis via the Information Management System for Official Controls (IMSOC), using as main parameters the level of risk associated with the hazard under consideration and the frequency of border rejections;

¹⁵ OJ L 031, 1.2.2002, p.1.

¹⁶ Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules (OJ L 165 30.4.2004, p. 1).

¹⁷ Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256 7.9.1987, p. 1).

- (7) According to Regulation (EU) 2017/625, feed and food subject to emergency measures such as those adopted in accordance with Article 53 (1) (b) of Regulation (EC) No 178/2002, should also be subject temporarily to controls at the border control posts. On the basis of said Article, emergency measures for certain feed and food of non-animal origin are set out in Commission Regulations (EC) No 884/2014¹⁸, (EC) No 885/2014¹⁹, (EC) No 2015/175²⁰ and (EC) No 2017/186²¹. The condition of a serious risk to public health which cannot be contained satisfactorily by means of measures taken by the Member States set out in Article 53 (1) of Regulation (EC) No 178/2002 continues to be satisfied in respect of the goods subject to these emergency measures. Since Regulation (EU) 2017/625 applies to the areas covered by these regulations, certain provisions on control procedures set out in Commission Regulations (EC) No 884/2014, (EC) No 885/2014, (EC) No 2015/175 and (EC) No 2017/186 have become redundant and obsolete.

Therefore, in order to rationalise and simplify the existing regulatory framework applicable to feed and food of non-animal origin and pursue the better regulation principles it is appropriate to bring together in this Regulation the provisions concerning the temporary increase of official controls on certain goods due to a known or emerging risk and to widespread and serious non-compliance and the emergency measures set out in Commission Regulations (EC) No 884/2014, (EC) No 885/2014, (EC) No 2015/175 and (EC) No 2017/186. Consequently, Commission Regulations (EC) No 884/2014, (EC) No 885/2014, (EC) No 2017/186 and (EC) No 2015/175 should be repealed and replaced with this Regulation.

- (8) Moreover, the rules on the frequency of identity checks and physical checks for the goods subject to a temporary increase of controls should also apply in respect of feed and food of non-animal origin subject to emergency measures, in accordance with Article 54 (4) (b) of Regulation (EU) 2017/625.
- (9) Provisions should be established to regularly review the lists set out in this Regulation. The review should take into account new information related to risks and non-compliance, such as the data resulting from notifications received through the Rapid Alert System for Food and Feed (RASFF), data and information concerning consignments and the results of the documentary, identity and physical checks, collected via IMSOC, reports and information received from third countries and information resulting from the controls carried out by the Commission in third countries.

¹⁸ Commission Implementing Regulation (EU) No 884/2014 of 13 August 2014 imposing special conditions governing the import of certain feed and food from certain third countries due to contamination risk by aflatoxins and repealing Regulation (EC) No 1152/2009 (OJ L 242 14.8.2014, p. 4).

¹⁹ Commission Implementing Regulation (EU) No 885/2014 of 13 August 2014 laying down specific conditions applicable to the import of okra and curry leaves from India and repealing Implementing Regulation (EU) No 91/2013 (OJ L 242, 14.8.2014, p. 20).

²⁰ Commission Implementing Regulation (EU) 2015/175 of 5 February 2015 laying down special conditions applicable to the import of guar gum originating in or consigned from India due to contamination risks by pentachlorophenol and dioxins (OJ L 30, 6.2.2015, p. 10).

²¹ Commission Implementing Regulation (EU) 2017/186 of 2 February 2017 laying down specific conditions applicable to the introduction into the Union of consignments from certain third countries due to microbiological contamination and amending Regulation (EC) No 669/2009 (OJ L 29, 3.2.2017, p. 24).

- (10) It is furthermore appropriate to exclude consignments of a non-commercial nature from the application of the provisions of this Regulation.
- (11) Moreover, for the official controls to be efficiently managed at the Union border control posts and to prevent risk of fraud, it is appropriate to make provisions concerning the possibility for the competent authority of the third country to issue in IMSOC the health certificates required under this Regulation.
- (12) Currently, Commission Regulation (EC) No 669/2009²² lays down rules concerning the increased level of official controls to be carried out at the points of entry into the Union on imports of certain feed and food of non-animal origin, including rules on the frequency, the nature and the fees related to these controls. Since this Regulation establishes the list of goods to be subject to a temporary increase of official controls at the border control post of first arrival into the Union, as well as rules on the frequency of identity checks and physical checks for such goods, Commission Regulation (EC) No 669/2009 has become obsolete and should be repealed with effect from the date of application of this Regulation.
- (13) 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:

²²Commission Regulation (EC) No 669/2009 of 24 July 2009 implementing Regulation (EC) No 882/2004 of the European Parliament and of the Council as regards the increased level of official controls on imports of certain feed and food of non-animal origin and amending Decision 2006/504/EC (OJ L 194, 25.7.2009, p. 11).

Section 1

Common provisions

Article 1

Subject matter and scope

1. This Regulation lays down:
 - a) measures concerning the temporary increase of official controls at entry into the Union on goods from certain third countries listed in Annex I, in accordance with Article 47 (2) (b) of Regulation (EU) 2017/625;
 - b) special conditions governing the import of certain food and feed of non-animal origin originating from a third country or part of the third country listed in Annex II, in accordance with Article 53 (1) (b) of Regulation (EC) No 178/2002;
 - c) rules on the frequency of identity checks and physical checks for the goods referred to in paragraphs (a) and (b), in accordance with respectively points (a) and (b) of Article 54 (4) of Regulation (EU) 2017/625;
 - d) rules concerning official controls to be carried out at the entry into the Union on the goods listed in Annex II, in accordance with Article 53 (1) (b) of Regulation (EC) No 178/2002;
2. This Regulation shall not apply to consignments of goods listed in Annexes I and II which are destined to a natural person for personal consumption or use only. In case of doubt, the burden of proof lies with the recipient of the consignment.

Article 2

Definitions

1. For the purposes of this Regulation the definition of 'consignment' laid down in Article 3 (37) of Regulation (EU) 2017/625 applies.
2. However, for the purposes of Articles 9, 10 and 11 and of Annex III, a 'consignment' means:

- a) in relation to the goods listed in part A of Annex II, a 'lot' as referred to in Regulations (EC) No 401/2006 and (EC) No 152/2009;
- b) in relation to the goods listed in parts B and C of Annex II, a 'lot' as referred to in Directive 2002/63/EC.

Article 3

Updates to Annexes

The lists set out in Annexes I and II shall be reviewed on a regular basis, and at least biannually.

In the case where such review shows that a revision of the Annexes is necessary, such revision shall apply at the latest on respectively 1st of January and 1st of July each year.

Article 4

Official controls at border control posts

Each consignment of the goods listed in Annexes I and II shall be subject to official controls at the border control posts in accordance with the provisions of Regulation (EU) 2017/625 and of this Regulation.

Article 5

Frequency of identity checks and physical checks

[NB This article is under development and will need to be further adapted. The elements under brackets are specifically indicated for further discussions that should take into consideration the difference of trade volumes amongst the commodities that will be listed in Annexes I and II.]

1. An initial frequency of identity checks and physical checks of [50] % shall apply in respect of goods listed in Annexes I and II until the results of [200] physical checks are collected across the Union.
2. The frequency of identity checks and physical checks shall be determined subsequently on a [quarterly] basis for each good via IMSOC in accordance with the rules established in this Article.

This frequency shall correspond to the rate of border rejections at Union level or to a multiple thereof. This multiple is set out in Annex I on the basis of the level of risk, taking into account the following elements:

- a) data and information collected via the information management system for official controls (IMSOC) referred to in Article 131 of Regulation (EU) 2017/625;

- b) reports and information resulting from the controls carried out by the Commission, including the outcome of controls performed by Commission experts in accordance with Articles 116 and 120 of Regulation (EU) 2017/625;
 - c) available scientific assessments, where appropriate; and
 - d) any other information regarding the risk associated with the concerned goods;
3. Notwithstanding paragraph 2, in all cases, the frequency of identity checks and physical checks shall not be lower than [5] % and shall not exceed [50] %.
4. A random selection of the consignments for the performance of identity and physical checks shall be performed via the IMSOC.

The competent authorities may carry out such selection on a different basis.

5. By way of derogation from paragraph 1, in respect of goods subject to Commission Regulation (EC) 669/2009, (EC) No 884/2014, (EC) No 885/2014, (EC) No 2015/175 or (EC) No 2017/186 prior to the date of application of this Regulation, the frequency of identity and physical checks applicable prior to the date of application of this Regulation shall continue to apply as initial frequency until the results of [200] physical checks are collected across the Union. The initial frequency shall be indicated respectively in Annexes I and II.

Article 6

Sampling and analyses

- 1. Physical checks during official controls at the entry into the Union on the goods listed in Annexes I and II, at the frequency determined in accordance with Article 5, shall include sampling and laboratory analysis.
- 2. The sampling and the analyses referred to in paragraph 1 and in Article 9 shall be performed in accordance with the provisions set out in this Regulation.
- 3. For food listed in Annexes I and II due to possible contamination risk by mycotoxins, the sampling and the analysis must be performed in accordance with Regulation (EC) No 401/2006.

For feed listed in Annexes I and II, the sampling and the analysis must be performed in accordance with Regulation (EC) No 152/2009²³.

- 4. For goods listed in Annexes I and II due to possible non-compliance with the maximum allowed levels of pesticides residues or due to possible contamination with

²³ Commission Regulation (EC) No 152/2009 of 27 January 2009 laying down the methods of sampling and analysis for the official control of feed (OJ L 054 26.2.2009, p. 1).

pentachlorophenol and dioxins the sampling and the analysis shall be performed in accordance with Directive 2002/63/EC²⁴.

5. For goods listed in part D of Annexe II due to microbiological contamination, the sampling and the analysis shall be performed in accordance with the analytical methods and sampling procedures set out in [Annex II] [*an amendment to Regulation 2017/186 to establish such sampling and testing requirements is under consideration; these requirements, when adopted, should be consolidated in this Regulation, possibly in Annex II*]

Section 2

Temporary increase of official controls at border control posts on goods from certain third countries listed in Annex I

Article 7

List of goods

1. The goods originating from certain third countries subject to a temporary increase of official controls at the entry into the Union in accordance with Article 47 (2) (b) of Regulation (EU) 2017/625 are listed in Annex I.
2. Controls referred to in paragraph 1 shall not apply in relation to feed and food of non-animal origin intended for transit.
3. The identification of the goods referred to in paragraph 1 for official controls shall be made on the basis of the codes from the Combined Nomenclature and the TARIC subdivision indicated in Annex I.

²⁴ Commission Directive 2002/63/EC of 11 July 2002 establishing Community methods of sampling for the official control of pesticide residues in and on products of plant and animal origin and repealing Directive 79/700/EEC (OJ L 187, 16.7.2002, p. 30).

Section 3

Special conditions governing the import of certain goods originating from certain third countries listed in Annex II

Article 8

Import into the Union

1. Consignments of goods originating from certain third countries as listed in Annex II may only be imported into the Union in accordance with the conditions laid down in this section.
2. The identification of the goods referred to in paragraph 1 for official controls shall be made on the basis of the codes from the Combined Nomenclature and the TARIC subdivision indicated in Annex II.
3. This Regulation shall also apply to compound feed and food, containing any of the feed or food referred to in paragraph 1 in a quantity above 20 % of either a single product or as the sum of products referred to in paragraph 1.
4. This Regulation shall not apply to consignments of feed and food:
 - a) sent as trade samples or as display items for exhibitions, which are not intended to be placed on the market; or
 - b) intended for scientific purposes.

Article 9

Results of sampling and analyses performed by the competent authorities of the third country

1. Each consignment of the goods listed in Annex II shall be accompanied by the results of analysis performed by the competent authorities of the third country of origin or of the country where the consignment is consigned from if that country is different from the country of origin on that consignment to ascertain:
 - a) compliance with Union legislation on maximum levels of relevant mycotoxins, in relation to goods listed in part A of Annex II;
 - b) compliance with Union legislation on maximum residue levels of pesticides, in relation to goods listed in part B of Annex II;
 - c) that the product imported does not contain more than 0,01 mg/kg pentachlorophenol (PCP), in relation to the goods listed in part C of Annex II;

d) the absence of the hazard specified in part D of Annex II, in relation to goods listed therein.

2. Each consignment of the goods listed in Part C of Annex II shall be accompanied by an analytical report which shall comply with the requirements set out in part C of Annex II.

The analytical report shall include the results of analysis referred to in paragraph 1.

3. The analysis referred to in paragraph 1 must be performed by laboratories accredited in accordance with the standard ISO/IEC 17025 on 'General requirements for the competence of testing and calibration laboratories'.

Article 10

Health certificate issued by the competent authority of the third country

1. Each consignment of the goods listed in Annex II shall also be accompanied by a health certificate in accordance with the model set out in Annex III.

2. The health certificate shall be issued by the competent authority of the country of origin or of the country where the consignment is consigned from if that country is different from the country of origin.

3. The health certificate may be an electronic certificate issued or submitted in IMSOC or in another electronic system.

4. The health certificate shall be signed by a certifying officer authorised for that purpose by the competent authority of the third country.

5. The health certificate shall present the guarantees of reliability in accordance with Article 89 of Regulation (EU) 2017/625.

6. The health certificate shall be issued before the consignment to which it relates leaves the control of the competent authority of the third country issuing the certificate.

7. The health certificate shall only be valid during four months from the date of issue, but no longer than six months from the date of the last laboratory analysis.

8. The health certificate which is not submitted in IMSOC shall also meet the requirements laid down in Article 26 of Commission Implementing Regulation XXX/2019 [in accordance with Article 90 OCR].

9. The procedures to be followed for the issuance of replacement certificates laid down in Article 27 of Commission Implementing Regulation XXX/2019 [in accordance with Article 90 OCR] shall apply in respect of certificates issued in accordance with this Regulation.

10. The rules for the production of certified copies of official certificates referred to in Article 90 (d) of Regulation (EU) 2017/62 shall apply to certificates issued in accordance with this Regulation.

11. The rules for the issuance of electronic certificates and for the use of electronic signatures referred to in Article 90 (f) of Regulation (EU) 2017/62 shall apply to certificates issued in accordance with this Regulation.

Article 11

Identification

1. Each consignment of the goods listed in Annex II shall be identified with an identification code which corresponds to the identification code on the results of analysis referred to in Article 9 and the health certificate referred to in Article 10.
2. Each individual bag, or other packaging form, of the consignment shall be identified with that identification code.
3. In case of a consignment of the goods listed in part A of Annex II in which packaging is combining several small packages/entities, it is sufficient that the identification number of the consignment is mentioned on the package combining these small packages/entities.

Article 12

Use of official certificates

The authenticated paper or electronic copy of the health certificate referred to in Article 10, or in the case where the certificate is issued in IMSOC, a printed or an electronic copy of such certificate, with the accompanying results of analysis referred to in Article 9, shall accompany the consignments of the goods listed in Annex II, during their transport until they are released for free circulation.

Section 4

Final provisions

Article 13

Repeal

Commission Regulations (EC) No 669/2009, (EC) No 884/2014, (EC) No 885/2014, (EC) No 2017/186, (EC) No 2015/175 are repealed with effect from 14 December 2019.

Article 14

Transitional period

1. The reporting obligations set out in Article 15 of Commission Regulation 669/2009, Article 13 of Commission Regulations (EC) No 884/2014, Article 12 of (EC) No 885/2014, Article 12 of Commission Regulation (EC) No 2015/175 and Article 12 of Commission Regulation (EC) No 2017/186 shall continue to apply until 31 January 2020.

Such reporting obligations shall cover the period until 31 December 2019.

2. The reporting obligations referred to in paragraph 1 shall be deemed to be satisfied where Member States register in TRACES the common entry documents issued by their respective competent authorities in accordance with Commission Regulation 669/2009, Commission Regulation (EC) No 884/2014, Commission Regulation (EC) No 885/2014, Commission Regulation (EC) No 2015/175 and Commission Regulation (EC) No 2017/186.

Article 15

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.