



EUROPEAN
COMMISSION

Brussels, **XXX**
SANTE/7140/2018 CIS
(POOL/G3/2018/7140/7140-EN
CIS.doc)
[...](2019) **XXX** draft

COMMISSION DELEGATED REGULATION (EU) .../...

of XXX

**supplementing Regulation (EU) 2017/625 of the European Parliament and of the
Council concerning the Common Health Entry Document accompanying consignments
of animals and goods to their destination**

(Text with EEA relevance)

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.

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

Regulation (EU) 2017/625 on Official Controls (OCR) establishes the framework for official controls and other official activities to verify the correct application of Union agri-food chain legislation. This includes official controls performed on animals and goods entering the Union from third countries.

It follows from the OCR that consignments of animals and goods entering the Union through designated border control posts must be accompanied by a Common Health Entry Document ("CHED").

The purpose of this Delegated Act is, for reasons of traceability and proper communication between the competent authorities, to establish rules on the conditions and the practical arrangements under which the CHED should accompany consignments, intended for placing on the market, to their destination.

This Delegated Act does not apply to consignments in transit, as rules on the use of the CHED in such situations will be laid down in the Delegated Act to be adopted under Article 51(1) of the OCR.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

The Commission Expert Group "official controls" (E00911) was consulted at several occasions, and a number of meetings have been held with relevant stakeholders.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

The legal basis is Article 50(4) of Regulation (EU) 2017/625.

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supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council concerning the Common Health Entry Document accompanying consignments of animals and goods to their destination

(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 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 Regulation (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/EEC¹, and in particular Article 50(4) thereof,

Whereas:

- (1) Regulation (EU) 2017/625 of the European Parliament and of the Council establishes rules on the performance of official controls by the competent authorities of the Member States on animals and goods entering the Union in order to verify compliance with Union agri-food chain legislation.
- (2) As rules on the cases when, and the conditions under which, the CHED should accompany consignments in transit are to be laid down in a separate delegated act to be adopted pursuant to Article 51(1) of Regulation (EU) 2017/625, this Regulation should only apply to consignments intended to be placed on the market in the Union.
- (3) Regulation (EU) 2017/625 provides that consignments of animals and goods entering the Union through designated border control posts are to be accompanied by the Common Health Entry Document ('CHED'). Once the official controls have been performed and the CHED has been finalised, the consignments may be split into different parts, according to the commercial needs of the operator.
- (4) With a view to ensure traceability of consignments and proper communication with the competent authority at the place of destination, rules should be established on the conditions and the practical arrangements under which the CHED should accompany consignments intended for placing on the market to their destination. In particular, it is appropriate to lay down detailed rules related to the CHED for the cases where consignments are split.

¹ OJ L 95, 7.4.2017, p. 1.

- (5) In order to ensure the traceability of consignments that are split at the border control post after official controls have been performed and the CHED has been finalised by the competent authority, it is appropriate to require that the operator responsible for the consignment also submits, through the information management system for official controls ('IMSOC') referred to in Article 131 of Regulation (EU) 2017/625, a CHED for each part of the split consignment, which should be finalised by the competent authorities of the border control post and should accompany each part of the split consignment to the destination declared in the respective CHED.
- (6) For the purposes of preventing the fraudulent reuse of the CHED, it is appropriate to require the customs authorities to communicate to the IMSOC the information on the quantity of the consignment stated in the customs declaration, so as to ensure that the quantities stated in such customs declaration are deducted from the total allowed quantity declared in the CHED. Customs authorities are required to exchange information using the customs electronic data-processing techniques referred to in Article 6(1) of Regulation (EU) 952/2013 of the European Parliament and of the Council². Those electronic data-processing techniques should be used for the purposes of this Regulation. In order to allow the customs authorities sufficient time to set up those techniques, it is appropriate to provide that the obligation to communicate the information on the quantity of the consignments to the IMSOC applies in each Member State as from the date on which those techniques become operational in that Member State or from 1 March 2023, whichever is earlier.
- (7) Since Regulation (EU) 2017/625 applies from 14 December 2019, this Regulation, should also apply from that date,

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter and scope

1. This Regulation establishes the cases where and the conditions under which the Common Health Entry Document referred to in Article 56 of Regulation (EU) 2017/625 ('CHED') is required to accompany to the place of destination each consignment of the categories of animals and goods referred to in Article 47(1) of Regulation (EU) 2017/625 which is intended to be placed on the market ('consignment').
2. This Regulation does not apply to consignments in transit.

Article 2

Definition

For the purposes of this Regulation, 'place of destination' means the place where the consignment is delivered for final unloading, as stated in the CHED.

² 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).

Article 3

Cases where the CHED shall accompany consignments to their place of destination

A CHED shall accompany each consignment irrespective of whether or not it is split at the border control post or subsequent to leaving the border control post but before being released for free circulation in accordance with Article 57(2)(b) of Regulation (EU) 2017/625.

Article 4

Conditions for the CHED accompanying consignments which are not split

Where a consignment is not split before being released for free circulation in accordance with Article 57(2)(b) of Regulation (EU) 2017/625, the following requirements shall apply:

- (a) the operator responsible for a consignment shall ensure that a copy, on paper or in electronic form, of the CHED accompanies the consignment to the place of destination and until it is released for free circulation in accordance with Article 57(2)(b) of Regulation (EU) 2017/625;
- (b) the operator responsible for the consignment shall indicate the reference number of the CHED in the customs declaration lodged with the customs authorities and shall keep a copy of that CHED at the disposal of the customs authorities in accordance with Article 163 of Regulation (EU) 952/2013;
- (c) the customs authorities shall communicate to IMSOC the information on the quantity of the consignment stated in the customs declaration and shall only allow the placing of the consignment under a customs procedure when the total quantity set out in the CHED is not exceeded. This requirement shall not apply where the consignment is to be placed under the customs procedures provided for in points (a) and (b) of Article 210 of Regulation (EU) No 952/2013.

Article 5

Conditions for the CHED accompanying consignments split at the border control post

1. Where a consignment is to be split at the border control post, the following requirements shall apply:
 - (a) when giving prior notification in accordance with Article 56(3) of Regulation (EU) 2017/625, the operator responsible for the consignment shall declare the border control post as the place of destination in the CHED for the entire consignment;
 - (b) upon finalisation of the CHED for the entire consignment by the competent authority at the border control post in accordance with Article 56(5) of Regulation (EU) 2017/625, the operator responsible for the consignment shall request that the consignment be split and shall submit, through the IMSOC, a CHED for each part of the split consignment, and declare therein the quantity, the means of transport and the place of destination for the relevant part of the split consignment;
 - (c) the competent authority at the border control post shall finalise the CHEDs referred to in point (b) of this paragraph in accordance with Article 56(5) of Regulation (EU) 2017/625, provided that the sum of the quantities declared in those CHEDs does not exceed the total quantity set out in the CHED for the entire consignment.

- (d) the operator responsible for the consignment shall ensure that a copy, on paper or in electronic form, of the CHED referred to in point (b) of this paragraph accompanies each part of the split consignment to the place of destination stated therein and until it is released for free circulation in accordance with Article 57(2)(b) of Regulation (EU) 2017/625.
 - (e) the operator responsible for the consignment shall indicate the reference number of the CHED for the part of the split consignment referred to in point (b) of this paragraph in the customs declaration lodged with the customs authorities and shall keep a copy of that CHED at the disposal of the customs authorities for the purposes of Article 163 of Regulation (EU) 952/2013;
 - (f) the customs authorities shall communicate to IMSOC the information on the quantity of the relevant part of the split consignment stated in the customs declaration and shall only allow the placing of that part under a customs procedure when the total quantity set out in the CHED for the part of the split consignment referred to in point (b) is not exceeded. This requirement shall not apply where the consignment is to be placed under the customs procedures provided for in points (a) and (b) of Article 210 of Regulation (EU) No 952/2013.
2. In the case of a non-compliant consignment to be split at the border control post, where the competent authority at the border control post orders the operator to take one or more of the actions referred to in Article 66(4) of Regulation (EU) 2017/625 in respect of a part of the consignment only, the following requirements shall apply:
- (a) upon finalisation of the CHED for the entire consignment, the operator responsible for the consignment shall submit a CHED for each part of the split consignment and declare therein the quantity, the means of transport and the place of destination for the relevant part of the split consignment;
 - (b) the competent authority at the border control post shall finalise the CHEDs referred to in point (a) of this paragraph in accordance with Article 56(5) of Regulation (EU) 2017/625, taking into account the decision taken for each part of the split consignment;
 - (c) paragraph 1 (d), (e) and (f) shall apply to each part of the split consignment.

Article 6

Conditions for the CHED accompanying consignments under customs supervision split after leaving the border control post

Where a consignment is to be split after leaving the border control post and before being released for free circulation in accordance with Article 57(2)(b) of Regulation (EU) 2017/625, the following requirements shall apply:

- (a) a copy, on paper or in electronic form, of the CHED shall accompany each part of the split consignment until it is released for free circulation in accordance with Article 57(2)(b) of Regulation (EU) 2017/625;
- (b) for each part of the split consignment, the operator responsible for the consignment shall indicate the reference number of the CHED in the customs declaration lodged with the customs authorities and shall keep a copy of that CHED at the disposal of the customs authorities for the purposes of Article 163 of Regulation (EU) 952/2013;

- (c) the customs authorities shall communicate to IMSOC the information on the quantity of the relevant part of the split consignment stated in the customs declaration and shall only allow the placing of that part under a customs procedure where the total quantity set out in the CHED is not exceeded. This requirement shall not apply where the consignment is to be placed under the customs procedures provided for in points (a) and (b) of Article 210 of Regulation (EU) No 952/2013.

Article 7

Entry into force and 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.

However, the following provisions shall apply in each Member State from the date on which the customs electronic data-processing techniques referred to in Article 6(1) of Regulation (EU) 952/2013 become operational in that Member State or from 1 March 2023, whichever is the earlier:

- (a) point (c) of Article 4;
- (b) point (f) of Article 5(1);
- (c) point (c) of Article 6.

The Member States shall inform the Commission and the other Member States of the date on which those electronic data-processing techniques become operational.

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