



Brussels, **XXX**
SANTE/7280/2021
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[...] (2022) **XXX** draft

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

of XXX

amending Implementing Regulation (EU) 2021/632 as regards the lists of products of animal origin, animal by-products and composite products subject to official controls at border control posts

(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.

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

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amending Implementing Regulation (EU) 2021/632 as regards the lists of products of animal origin, animal by-products and composite products 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)¹, and in particular Article 47(2), first subparagraph, point (a), thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) 2021/632² establishes lists of animals, products of animal origin, germinal products, animal by-products and derived products, composite products, and hay and straw to be presented for official controls at border control posts, with the indication of their respective Combined Nomenclature codes ('CN codes') provided for in Council Regulation (EEC) No 2658/87³.
- (2) Articles 3, 5 and 12 of Commission Delegated Regulation (EU) 2019/625⁴ provide for import requirements for consignments of goods referred to by certain CN codes and Harmonised System codes ('HS codes') in Part Two of Annex I to Regulation (EEC) No 2658/87. Those provisions have been amended by Commission Delegated

¹ OJ L 95, 7.4.2017, p. 1.

² Commission Implementing Regulation (EU) 2021/632 of 13 April 2021 laying down rules for the application of Regulation (EU) 2017/625 of the European Parliament and of the Council as regards the lists of animals, products of animal origin, germinal products, animal by-products and derived products, composite products, and hay and straw subject to official controls at border control posts, and repealing Commission Implementing Regulation (EU) 2019/2007 and Commission Decision 2007/275/EC (OJ L 132, 19.4.2021, p. 24).

³ 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).

⁴ Commission Delegated Regulation (EU) 2019/625 of 4 March 2019 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council with regard to requirements for the entry into the Union of consignments of certain animals and goods intended for human consumption (OJ L 131, 17.5.2019, p. 18).

Regulation (EU) .../...⁵. Delegated Regulation (EU) ... clarifies the applicable codes by adding missing codes and removing codes which are no longer relevant. It is therefore appropriate to add the headings and CN codes 0901, 1902 19, 1904 10 30, 1904 10 90, 1904 20, 1904 90 80, 2008 99, 2906, 2936 and 3002 49 00 in the lists in the Annex to Implementing Regulation (EU) 2021/632 in order to avoid any ambiguity as regards which consignments of goods are subject to official controls at border control posts.

- (3) Certain non-raw beeswaxes under CN code Ex 1521 90 99 that are not used in, or are not intended for, feed production, fertilisers, apiaries, cosmetics or pharmaceuticals, do not pose any risks to animal or human health. Therefore, those non-raw beeswaxes should not be subject to checks at border control posts as from the date of application of Commission Regulation (EU) ...⁶.
- (4) Non-raw beeswaxes used in, or intended for, feed production, fertilisers, apiaries, cosmetics or pharmaceuticals do pose risks to animal or human health. Therefore, such beeswaxes should continue to be checked at border control posts.
- (5) Commission Implementing Regulation (EU) 2021/1832⁷ introduced modifications in CN codes and descriptions of goods. Implementing Regulation (EU) 2021/632 should reflect those modifications.
- (6) Implementing Regulation (EU) 2021/632 should therefore be amended accordingly.
- (7) 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

The Annex to Implementing Regulation (EU) 2021/632 is replaced by the text set out in the Annex to this Regulation.

Article 2

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

The second paragraph of the column ‘qualification and explanation’ of the entry concerning CN code Ex 1521 90 99 in the table in Chapter 15 of the text set out in the Annex shall apply from ... [date of application of Article 1(1) of Commission Regulation (EU) ... of ...

⁵ Commission Delegated Regulation (EU) .../... of ... amending Delegated Regulation (EU) 2019/625 as regards Combined Nomenclature and Harmonised System codes and import conditions of certain composite products, amending Delegated Regulation (EU) 2019/2122 as regards certain goods and pet birds exempted from official controls at border control posts and amending Delegated Regulation (EU) 2021/630 as regards requirements for composite products exempted from official controls at border control posts [C/2019/11] (OJ L ..., ..., p. ...).

⁶ Commission Regulation (EU) .../... of ... amending Regulation (EU) No 142/2011 as regards imports of certain beeswax products, introduction of a new alternative processing method and adaptation of the list of third countries from which the entry into the Union of animal by-products and derived products is permitted and conditions for imports of certain derived products [SANTE/7044/2021] (OJ L ..., ..., p. ...).

⁷ Commission Implementing Regulation (EU) 2021/1832 of 12 October 2021 amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 385, 29.10.2021, p. 1).

amending Regulation (EU) No 142/2011 as regards imports of certain beeswax products, introduction of a new alternative processing method and adaptation of the list of third countries from which the entry into the Union of animal by-products and derived products is permitted and conditions for imports of certain derived products [SANTE/7044/2021]].

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

Done at Brussels,

For the Commission
The President
Ursula VON DER LEYEN

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