

Commission Delegated Regulation (EU) 2019/2124 of 10 October 2019 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards rules for official controls of consignments of animals and goods in transit, transshipment and onward transportation through the Union, and amending Commission Regulations (EC) No 798/2008, (EC) No 1251/2008, (EC) No 119/2009, (EU) No 206/2010, (EU) No 605/2010, (EU) No 142/2011, (EU) No 28/2012, Commission Implementing Regulation (EU) 2016/759 and Commission Decision 2007/777/EC (Text with EEA relevance)

CHAPTER IV

Transit of animals and goods from one third country to another third country, passing through the Union territory

SECTION 2

Conditions for the storage of consignments in transit in approved warehouses

Article 23

Conditions for the approval of warehouses

1 The competent authorities shall approve the warehouses for the storage of consignments of products of animal origin, germinal products, animal by-products, derived products, hay and straw and composite products for which transit has been authorised in accordance with Article 19.

2 The competent authorities shall only approve warehouses referred to in paragraph 1 that comply with the following requirements:

- a the warehouses storing products of animal origin, composite products, animal by-products and derived products must comply with either:
 - (i) the hygiene requirements laid down in Article 4 of Regulation (EC) No 852/2004; or
 - (ii) the requirements laid down in points (b) and (c) of Article 19 of Regulation (EU) No 142/2011;
- b they must have been authorised, approved or designated by the customs authorities in accordance with Articles 147(1), 240(1) and 243(1) of Regulation (EU) No 952/2013;
- c the warehouses must consist of a closed space with entrances and exits subject to permanent control by the operators;
- d the warehouses must possess storage or refrigeration rooms allowing for the separate storage of the goods referred to in paragraph 1;
- e the warehouses must have arrangements for the daily logging of all consignments entering or leaving the facilities, with details of the nature and quantity of the goods, the name and address of the recipients and copies of the CHED and certificates accompanying the consignments; the warehouses must keep those records for a period at least of three years;

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- f all goods referred to in paragraph 1 must be identified by labelling or by electronic means with the reference number of the CHED accompanying the consignment; those goods must not be subjected to any alteration, processing, substitution or change of packaging;
 - g the warehouses must have the technology and equipment necessary for the efficient operation of the IMSOC;
 - h the operators of the warehouses shall provide premises and the means of communication necessary to enable them to perform official controls and other official activities effectively, upon request by the competent authority.
- 3 Where warehouses no longer comply with the requirements laid down in paragraph 2, the competent authority shall withdraw or temporarily suspend the approval of the warehouse.

Article 24

Transportation of goods from warehouses

The operator responsible for the consignment shall transport the consignments of goods referred to in Article 23(1) from approved warehouses to one of the following destinations:

- (a) a border control post in order to leave the Union territory to go to:
 - (i) a NATO or US military base; or
 - (ii) any other destination;
- (b) another approved warehouse;
- (c) a NATO or US military base located in the Union territory;
- (d) a vessel leaving the Union, where, the consignments are intended for ship supplying purposes;
- (e) a place where the consignments are to be disposed of in accordance with Chapter II of Title I of Regulation (EC) No 1069/2009 of the European Parliament and of the Council⁽¹⁾.

Article 25

Maintaining and keeping up-to-date the list of approved warehouses

Member States shall maintain and keep up-to-date in the IMSOC the list of approved warehouses, and provide the following information:

- (a) the name and address of each warehouse;
- (b) the categories of goods for which it is approved.

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Article 26

Official controls in warehouses

- 1 The competent authorities shall perform regular official controls in approved warehouses to verify the compliance with the requirements for approval laid down in Article 23.
- 2 The competent authorities responsible for official controls in approved warehouses shall verify the effectiveness of the systems in place to ensure the traceability of consignments, including by comparing the quantities of goods entering and leaving warehouses.
- 3 The competent authorities shall verify that consignments moved to or stored in warehouses are accompanied by the relevant CHED and authenticated paper or electronic copy of the official certificate as referred to in Article 50(2) of Regulation (EU) 2017/625.
- 4 When consignments arrive at approved warehouses, the competent authorities shall:
 - a perform an identity check to confirm that the consignment corresponds to the relevant information in the accompanying CHED;
 - b verify that the seals fixed on the vehicles or transport containers, in accordance with point (d) of Article 19 or point (d) of Article 28, are still intact;
 - c record the outcome of identity checks in Part III of the CHED and communicate that information through the IMSOC.

Article 27

Operators' obligations at warehouses

- 1 The operator responsible for the consignment shall inform the competent authorities of the arrival of the consignment at the approved warehouse.
- 2 By way of derogation from paragraph 1, the competent authority may exempt the operator responsible for the approved warehouse from the obligation to inform competent authorities of the arrival of the consignment at the warehouse provided that the operator is approved by the customs authorities as an authorised economic operator referred to in Article 38 of Regulation (EU) No 952/2013.
- 3 By way of derogation from paragraph 1, the competent authority may exempt consignments from identity checks provided that the operator responsible for the consignment is approved by the customs authorities as an authorised economic operator referred to in Article 38 of Regulation (EU) No 952/2013.
- 4 The operator responsible for the consignment shall ensure that goods referred in paragraph 1 moved to or stored in the warehouses are accompanied by the relevant CHED and authenticated paper or electronic copy of the official certificate as referred to in Article 50(2) of Regulation (EU) 2017/625.

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Article 28

Conditions for transportation of goods from warehouses to third countries, other warehouses and disposal places

The operator responsible for the consignment shall transport the goods referred to in Article 23(1) from the approved warehouse to one of the destinations referred to in points (a)(ii), (b) and (e) of Article 24 provided that the following requirements are fulfilled:

- (a) the operator responsible for the consignment submits the CHED through the IMSOC for the entire consignment and declares therein the means of transport and the place of destination; where the initial consignment is split at the warehouse, the operator responsible for the consignment must submit the CHED through the IMSOC for each part of the split consignment and declare therein the quantity, means of transport and place of destination for the relevant part of the split consignment;
- (b) the competent authorities must authorise the movement and finalise the CHED for:
 - (i) the entire consignment, or
 - (ii) individual parts of the split consignment, provided that the total sum of the quantities declared in the CHEDs issued for the individual parts does not exceed the total quantity set out in the CHED for the entire consignment;
- (c) the operator responsible for the consignment must ensure that, in addition to the CHED accompanying the consignment, an authenticated copy of the official certificate which accompanied the consignment to the warehouse, as referred to in Article 27(4), travels onwards with the consignment unless an electronic copy of the official certificate was uploaded into the IMSOC and was verified by the competent authorities of the border control post of introduction into the Union; where the initial consignment is split and the copy of the official certificate was not uploaded into the IMSOC by the competent authorities of the border control post of introduction into the Union, the competent authorities issue the operator responsible for the consignment authenticated copies of the official certificate in order to accompany the parts of the split consignment to their destinations;
- (d) the operator responsible for the consignment transports the goods under customs supervision from the warehouses in vehicles or transport containers sealed by the competent authorities;
- (e) the operator responsible for the consignment transports the goods directly from the warehouse to the place of destination without the goods being unloaded or split, within a maximum period of 15 days from the date of authorisation of transportation.

Article 29

Conditions for transportation of goods from warehouses to NATO or US military bases and vessels leaving the Union

The operator responsible for the consignment shall transport the goods referred to in Article 23(1) from the approved warehouses to one of the destinations referred to in

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points (a)(i),(c) and (d) of Article 24 provided that the following requirements are fulfilled:

- (a) the operator responsible for the warehouse declares the movement of the goods to the competent authorities by completing Part I of the official certificate referred to in point (c);
- (b) the competent authority authorises the movement of the goods and issues to the operator responsible for the consignment a finalised official certificate referred to in point (c), that may be used for the delivery of the consignment containing goods derived from more than one consignment of origin or product categories;
- (c) the operator responsible for the consignment ensures that, an official certificate in accordance with the model set out in the Annex to Implementing Regulation (EU) 2019/2128 accompanies the consignment to its place of destination;
- (d) the operator responsible for the consignment transports the goods under customs supervision;
- (e) the operator responsible for the consignment transports the goods from the warehouses in vehicles or transport containers which were sealed under the supervision of the competent authorities.

Article 30

Follow-up measures by the competent authorities

The competent authorities of a warehouse which have not received, within a period of 15 days from the date on which transit from the warehouse was authorised, confirmation of arrival of consignments of products of animal origin, germinal products, animal by-products, derived products, hay and straw and composite products at one of the destinations referred to in Article 24, shall:

- (a) verify with the competent authorities at places of destination whether or not the consignment has arrived;
- (b) inform the customs authorities of the non-arrival of the consignments;
- (c) undertake further investigation to determine the actual location of the goods in cooperation with customs authorities and other authorities in accordance with Article 75(1) of Regulation (EU) 2017/625.

Article 31

Monitoring of delivery of goods to a vessel leaving the Union territory

1 The competent authorities of the border control post of introduction into the Union or of the warehouse shall notify the dispatch of consignments of goods referred to in Article 19 and Article 23(1) and their place of destination to the competent authority of the port of destination, through the IMSOC.

2 The operator may unload consignments of the goods referred to in Article 19 and Article 23(1) at the port of destination before the delivery of the consignments to the vessel leaving the Union territory provided that the operation is authorised and supervised by the

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customs authority, and the conditions of delivery indicated in the notification referred to in paragraph 1 are met.

3 Upon completion of delivery on board the vessel of the consignments of goods referred to in paragraph 1, the competent authority of the port of destination or the representative of the master of the vessel shall confirm the delivery to the competent authorities of the border control post of introduction into the Union or of the warehouse, either by:

- a countersigning the official certificate referred to in point (c) of Article 29; or
- b use of electronic means, including through IMSOC or existing national systems.

4 The representative referred to in paragraph 3 or the operator responsible for the delivery of the consignment to the vessel leaving the Union territory shall return, within a period of 15 days from the date of delivery of the consignment, the countersigned official certificate referred to in paragraph 3(a), to the competent authorities of the border control post of introduction into the Union or of the warehouse.

5 The competent authority of the port of destination, the competent authorities of border control post of introduction into the Union or the competent authority of the warehouse shall verify that the confirmation of delivery referred to in paragraph 3 is recorded in the IMSOC or that the countersigned documents referred to in point (a) of paragraph 3 are returned to the competent authorities of the border control post of introduction into the Union or to the competent authority of the warehouse.

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- (1) Regulation (EC) No 1069/2009 of the European Parliament and of the Council of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 ([OJ L 300, 14.11.2009, p. 1](#)).

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Changes and effects yet to be applied to :

- Regulation words substituted (except in Art. 2(6)) by S.I. 2020/1631 reg. 26(2)

Changes and effects yet to be applied to the whole legislation item and associated provisions

- s. 1 heading words substituted by S.I. 2020/1631 reg. 26(17)
- s. 3 heading words substituted by S.I. 2020/1631 reg. 26(30)
- Signature words omitted by S.I. 2020/1631 reg. 26(39)
- Art. 1(1)(a) words inserted by S.I. 2020/1631 reg. 26(3)(a)(i)(aa)
- Art. 1(1)(a) words substituted by S.I. 2020/1631 reg. 26(3)(a)(i)(bb)
- Art. 1(1)(a)(i) words omitted by S.I. 2020/1631 reg. 26(3)(a)(ii)
- Art. 1(1)(a)(iii) words inserted by S.I. 2020/1631 reg. 26(3)(a)(iii)
- Art. 1(1)(b) words inserted by S.I. 2020/1631 reg. 26(3)(b)(i)
- Art. 1(1)(b) words substituted by S.I. 2020/1631 reg. 26(3)(b)(ii)
- Art. 1(1)(c)(ii) words omitted by S.I. 2020/1631 reg. 26(3)(c)(i)
- Art. 1(1)(c)(iv) words substituted by S.I. 2020/1631 reg. 26(3)(c)(ii)
- Art. 1(1)(d)(ii) words omitted by S.I. 2020/1631 reg. 26(3)(d)
- Art. 1A inserted by S.I. 2020/1631 reg. 26(4)
- Art. 2(2) words substituted by S.I. 2020/1631 reg. 26(5)(a)
- Art. 2(3)(a)-(ab) substituted for Art. 2(3)(a) by S.I. 2020/1631 reg. 26(5)(b)
- Art. 2(3A)(3B) inserted by S.I. 2020/1631 reg. 26(5)(c)
- Art. 2(4) words substituted by S.I. 2020/1631 reg. 26(5)(d)
- Art. 2(5) words substituted by S.I. 2020/1631 reg. 26(5)(e)(i)
- Art. 2(5) words substituted by S.I. 2020/1631 reg. 26(5)(e)(ii)
- Art. 2(6) words substituted by S.I. 2020/1631 reg. 26(5)(f)
- Art. 2(7) words inserted by S.I. 2020/1631 reg. 26(5)(g)(iii)
- Art. 2(7) words substituted by S.I. 2020/1631 reg. 26(5)(g)(i)
- Art. 2(7) words substituted by S.I. 2020/1631 reg. 26(5)(g)(ii)
- Art. 2(7) words substituted by S.I. 2020/1631 reg. 26(5)(g)(iv)
- Art. 2(8) word substituted by S.I. 2020/1631 reg. 26(5)(h)
- Art. 2(8A)-(8D) inserted by S.I. 2020/1631 reg. 26(5)(i)
- Art. 2(11)-(13) inserted by S.I. 2020/1631 reg. 26(5)(j)
- Art. 6(3)(a) word substituted by S.I. 2020/1631 reg. 26(7)(b)
- Art. 8(3) inserted by S.I. 2020/1631 reg. 26(9)
- Art. 9(1)(a) words omitted by S.I. 2020/1631 reg. 26(10)(a)(ii)
- Art. 19(e)(i) words substituted by S.I. 2020/1631 reg. 26(19)(b)(i)
- Art. 19(e)(iii) words substituted by S.I. 2020/1631 reg. 26(19)(b)(ii)
- Art. 19(e)(iv) words substituted by S.I. 2020/1631 reg. 26(19)(b)(iii)
- Art. 22(3)(b) words substituted by S.I. 2020/1631 reg. 26(22)(b)
- Art. 22(4)(a) words substituted by S.I. 2020/1631 reg. 26(22)(c)
- Art. 23(2)(b) words substituted by S.I. 2020/1631 reg. 26(23)
- Art. 24(a) words substituted by S.I. 2020/1631 reg. 26(24)(a)(i)
- Art. 24(a)(ii) words inserted by S.I. 2020/1631 reg. 26(24)(a)(ii)
- Art. 24(c) words substituted by S.I. 2020/1631 reg. 26(24)(b)
- Art. 24(d) words substituted by S.I. 2020/1631 reg. 26(24)(c)
- Art. 28(c) words substituted by S.I. 2020/1631 reg. 26(27)
- Art. 29(c) words substituted by S.I. 2020/1631 reg. 26(28)(b)
- Art. 31(3)(b) words omitted by S.I. 2020/1631 reg. 26(29)(c)
- Art. 35(1A) inserted by S.I. 2020/1631 reg. 26(34)(c)

– Art. 37(6)(b) words substituted by S.I. 2020/1631 reg. 26(37)(e)(ii)