

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 1

#### *Official controls at the border control post of introduction into the Union*

##### *Article 18*

#### **Documentary checks, identity checks and physical checks of consignments of animals in transit**

The competent authorities of the border control post of introduction into the Union shall only authorise the transit of consignments of animals from one third country to another third country, passing through the territory of the Union where documentary checks, identity checks and physical checks have been favourable.

##### *Article 19*

#### **Conditions for the authorisation of transit of consignments of products of animal origin, germinal products, animal by-products, derived products, hay and straw and composite products**

The competent authorities of the border control post of introduction into the Union shall only authorise the transit of consignments of products of animal origin, germinal products, animal by-products, derived products, hay and straw and composite products subject to compliance with the following conditions:

- (a) the goods comply with the applicable requirements laid down in the rules referred to in points (d) and (e) of Article 1(2) of Regulation (EU) 2017/625;
- (b) the consignment has been subjected to documentary checks and identity checks at the border control post with favourable results;
- (c) the consignment has been subjected to physical checks at the border control post, where non-compliance with the rules referred to in Article 1(2) of Regulation (EU) 2017/625 was suspected;

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- (d) the consignment is accompanied by the CHED, and leaves the border control post in vehicles or transport containers sealed by the authority at the border control post;
- (e) the consignment must be directly transported under customs supervision, without the goods being unloaded or split, within a maximum period of 15 days from the border control post to one of the following destinations:
  - (i) to a border control post in order to leave the Union territory;
  - (ii) to an approved warehouse;
  - (iii) to a NATO or US military base located in the Union territory;
  - (iv) to a vessel leaving the Union, where, the consignment is intended for ship supplying purposes.

#### *Article 20*

##### **Follow-up measures by the competent authorities**

The competent authorities of the border control post of introduction into the Union which have not received, within a period of 15 days from the date on which transit was authorised at the border control post, confirmation of the 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 points (e) (i) to (iv) of Article 19, shall:

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

#### *Article 21*

##### **Transportation of consignments to a vessel leaving the Union territory**

1 Where a consignment of goods referred to in Article 19 is destined to a vessel leaving the Union territory, the competent authorities of the border control post of introduction into the Union shall, in addition to the CHED, issue an official certificate in accordance with the model laid down in Annex to Commission Implementing Regulation (EU) 2019/2128<sup>(1)</sup> which shall accompany the consignment to the vessel.

2 In the case where several consignments of products of animal origin, germinal products, animal by-products, derived products, hay and straw and composite products are delivered together to the same vessel, the competent authorities of the border control post of introduction into the Union may issue one single official certificate as referred to in paragraph 1 which shall accompany such consignments to the vessel, provided that it has indicated the reference of the CHED for each consignment.

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## Article 22

### **Documentary checks and physical checks of plants, plant products and other objects in transit**

1 Where consignments of plants, plant products and other objects referred to in point (d)(ii) and (iii) of Article 1(1) are presented for transit at a border control post of introduction into the Union, the competent authorities of that border control post may authorise the transit of such plants, plant products, and other objects, provided that the consignments are transported under customs supervision.

2 The competent authorities of the border control post referred to in paragraph 1 shall perform the following checks on a risk basis:

- a documentary checks of the signed declaration referred to in point (a) of Article 47(1) of Regulation (EU) 2016/2031;
- b physical checks of the consignments to ensure that it is adequately packed and transported as referred to in point (b) of Article 47(1) of Regulation (EU) 2016/2031.

3 Where official controls are performed, the competent authorities shall authorise the transit of the goods referred to in paragraph 1 provided that the consignments:

- a comply with Article 47 of Regulation (EU) 2016/2031;
- b are transported to the point of exit from the Union under customs supervision.

4 The operator responsible for consignments of plants, plant products and other objects referred to in paragraph 1 shall ensure that the packaging or the means of transport of the consignments is closed or sealed in such a way that, during their transport to and storage at warehouses:

- a the plants, plant products and other objects cannot cause an infestation or an infection to other plants, plant products or other objects with the pests listed as Union quarantine pests or as Union regulated non-quarantine pests referred to in the first subparagraph of Article 5(2) and Article 30(1) of Regulation (EU) 2016/2031, respectively and, in the case of protected zones, with the respective pests included on lists established pursuant to Article 32(3) of that Regulation;
- b plants, plant products and other objects cannot become infested or infected by the pests referred in point (a).

## 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.

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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;
- 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;

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- (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<sup>(2)</sup>.

#### *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.

#### *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

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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.

#### *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.

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## 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 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.

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### 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 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.

### SECTION 3

#### ***Official controls at the border control post where goods leave the Union territory***

### Article 32

#### **Operator's obligations to present goods leaving the Union territory for official controls**

1 Operators shall present products of animal origin, germinal products, animal by-products, derived products, hay and straw and composite products which leave the Union territory to be transported to a third country for official controls to the competent authorities of the border control post indicated in the CHED, at a location indicated by those competent authorities of the border control post.

2 Operators shall present the goods referred to in paragraph 1 which leave the Union territory to be dispatched to a NATO or US military base located in a third country, for official



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controls to the competent authorities of the border control post indicated in the official certificate in accordance with the model set out in Annex to Implementing Regulation (EU) 2019/2128.

### *Article 33*

#### **Official controls at the border control post where goods leave the Union territory**

1 The competent authorities of the border control post where germinal products, animal by-products, hay and straw and composite products leave the Union territory shall perform an identity check to ensure that the consignment presented corresponds to the consignment referred to in the CHED or in the official certificate referred to in Article 29(c) accompanying the consignment. In particular, they shall verify that the seals fixed on the vehicles or transport containers, in accordance with point (d) of Article 19, point (d) of Article 28 or point (e) of Article 29 are still intact.

2 The competent authorities of the border control post where goods referred in paragraph 1 leave the Union territory shall record the outcome of official controls in part III of the CHED or part III of the official certificate in accordance with the model set out in Annex to Implementing Regulation (EU) 2019/2128. The competent authorities of the border control post responsible for checks referred in paragraph 1 shall record the outcome of these controls in the IMSOC.

## SECTION 4

### *Derogations for consignments in transit*

#### *Article 34*

#### **Transit of certain animals and certain goods**

1 By way of derogation from Articles 18 and 19, the competent authorities of the border control posts of introduction into the Union may authorise transit through the Union territory of the following consignments subject to the compliance with the conditions laid down in paragraph 2:

- a Transit by road through Lithuania of consignments of bovine animals for breeding and production, coming from the Russian region of Kaliningrad and consigned to a destination outside the Union, entering and exiting through the designated border control posts of Lithuania.
- b Transit by road or by rail through the Union of consignments of aquaculture animals, between border control posts in Latvia, Lithuania and Poland, coming from and destined for Russia, directly or via another third country.
- c Transit by road or by rail through the Union of consignments of products of animal origin, composite products, animal by-products, derived products and germinal products of bovine, porcine, ovine, caprine, equine animals, specified pathogen-free eggs, between border control posts in Latvia, Lithuania and Poland, coming from and destined to Russia, directly or via another third country.
- d Transit by road or rail of consignments of eggs, egg products and poultry meat, between border control posts in Lithuania, coming from Belarus and destined for the Russian region of Kaliningrad.
- e Transit by road through Croatia of consignments of aquaculture animals, products of animal origin, composite products, animal by-products, derived products and germinal

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products of bovine, porcine, ovine, caprine, equine animals, specific pathogen free eggs coming from Bosnia and Herzegovina, entering at the road border control post of Nova Sela and exiting at the port border control post of Ploče.

2 The authorisation referred to in paragraph 1 shall be subject to compliance with the following conditions:

- a The competent authorities of the border control post of introduction into the Union shall:
  - (i) perform documentary checks, identity checks and physical checks for consignments of animals as provided for in Article 18;
  - (ii) perform documentary checks and identity checks for consignments of products of animal origin, germinal products, animal by-products, derived products, hay and straw and composite products as provided for in Article 19;
  - (iii) stamp the official certificates accompanying the consignments intended for the third country of destination ‘ONLY FOR TRANSIT VIA THE EU’;
  - (iv) retain copies or electronic equivalents of the certificates referred to in (iii) at the border control post of introduction into the Union;
  - (v) seal the vehicles or transport containers transporting the consignments.
- b The operator responsible for the consignment shall ensure that consignments are directly transported under customs supervision, without being unloaded, to the border control post where consignments are to leave the Union territory.
- c The competent authorities of the border control post where the goods leave the Union territory shall:
  - (i) perform an identity check to confirm that the consignment covered by the accompanying CHED actually leaves the Union territory. In particular, they shall verify that the seals fixed on the vehicles or transport containers are still intact;
  - (ii) record the outcome of the official controls referred to in (i) in the IMSOC.
- d The competent authorities of the Member States shall carry out risk-based controls to ensure that the number of consignments and the quantities of animals and goods leaving the Union territory match the number and quantities entering the Union territory.

### *Article 35*

#### **Transit of goods to NATO or US military base located in the Union territory**

1 Products of animal origin, germinal products, animal by-products, derived products, hay and straw and composite products destined for a NATO or US military base located in the Union territory, shall be presented by the operator responsible for the consignment for official controls at the NATO or US military base indicated in the CHED or in the accompanying official certificate in accordance with the model set out in Annex to Implementing Regulation (EU) 2019/2128.

2 The competent authority responsible for controls at the NATO or US military base at the place of destination shall perform an identity check to confirm that the consignment corresponds to the one covered by the CHED or by the accompanying official certificate in accordance with the model laid down in Annex to Commission Implementing Regulation (EU) 2019/2128. In particular, it shall verify that the seals fixed on the vehicles or transport containers, in accordance with point (d) of Article 19 and point (e) of Article 29, are still intact. The

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competent authority responsible for controls at the NATO or US military base shall record the outcome of these controls in the IMSOC.

### *Article 36*

#### **Transit of goods refused by a third country after their transit through the Union**

1 The competent authorities of the road or of the rail border control post of introduction into the Union may authorise further transit through the Union territory of products of animal origin, germinal products, animal by-products, derived products, hay and straw and composite products subject to compliance with the following conditions:

- a the consignment of goods was refused entry by a third country immediately after their transit through the Union or the seals placed by the competent authorities referred to in point (d) of Article 19, point (d) of Article 28 or point (e) of Article 29 on the vehicle or transport container are still intact;
- b the consignment complies with the rules laid down in points (a), (b) and (c) of Article 19.

2 The competent authorities of the road or of the rail border control post of introduction into the Union shall re-seal the consignment after the checks referred to in points (b) and (c) of Article 19.

3 The operators shall directly transport the consignment to one of the following destinations:

- a the border control post which authorised transit through the Union; or
- b the warehouse where it was stored before refusal by a third country.

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- (1) Commission Implementing Regulation (EU) 2019/2128 of 12 November 2019 establishing the model official certificate and rules for issuing official certificates for goods which are delivered to vessels leaving the Union and intended for ship supply or consumption by the crew and passengers, or to NATO or a United States' military base (See page 114 of this Official Journal).
- (2) 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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