

COMMISSION DELEGATED REGULATION (EU) 2021/630**of 16 February 2021****supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards certain categories of goods exempted from official controls at border control posts and amending Commission Decision 2007/275/EC****(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 48(h) and Article 77(1)(k) thereof,

Whereas:

- (1) Article 48(h) and Article 77(1)(k) of Regulation (EU) 2017/625 empower the Commission to adopt delegated acts to establish cases where, and conditions under which, certain low risk goods, including composite products, might be exempted from official controls at border control posts, and to lay down rules for the performance of specific official controls on those goods.
- (2) The risk posed by composite products to public and animal health depends on the types of ingredients and on their storage conditions and packaging. Shelf-stable composite products that do not contain processed meat as an ingredient and do not need to be transported or stored under controlled temperatures pose the lowest risk as regards animal health and microbiological food safety. This is the case for dairy and egg products contained in shelf-stable composite products that have undergone treatment during their manufacture, such as sterilisation or treatment using ultra-high temperatures to eliminate the risk. Risks for animal health and microbiological food safety are mitigated where composite products are securely packaged or sealed.
- (3) However, chemical food safety risks are not reduced by treatments that make composite products shelf-stable. From the perspective of chemical food safety, certain shelf-stable composite products that do not contain processed meat may be exempted from official controls at the border control posts, provided that the processed products of animal origin that are ingredients of the composite products are produced in establishments located in third countries authorised for importing into the Union those processed products of animal origin or in establishments located in Member States.
- (4) Shelf-stable composite products that do not contain processed meat should be produced in a third country listed in Commission Decision 2011/163/EU ⁽²⁾. The third country producing the composite product should either have an approved residue control plan for each of the ingredients of animal origin contained in composite product or it should source the animal ingredients from a Member State or from another third country which is listed in the Decision 2011/163/EU for those commodities.

⁽¹⁾ OJ L 95, 7.4.2017, p. 1.

⁽²⁾ Commission Decision 2011/163/EU of 16 March 2011 on the approval of plans submitted by third countries in accordance with Article 29 of Council Directive 96/23/EC (OJ L 70, 17.3.2011, p. 40).

- (5) Considering their low risk for public health and animal health, it is appropriate to exempt certain shelf-stable composite products not containing processed meat from official controls at border control posts and to list them in the Annex to this Regulation, indicating their codes from the Combined Nomenclature (CN) as laid down in Annex I to Council Regulation (EEC) No 2658/87 ⁽³⁾.
- (6) Certain shelf-stable composite products not containing processed meat, exempted from official controls at border control posts in accordance with this Regulation and entering the Union from third countries should be accompanied by a private attestation provided by the importing food business operator.
- (7) To ensure that certain shelf-stable composite products not containing processed meat and exempted from checks at border control posts in accordance with this Regulation meet public and animal health requirements, the competent authorities should perform official controls regularly, on a risk basis and with appropriate frequency, at the place of destination, at the point of release for free circulation in the Union, or at the warehouses or the premises of the operator responsible for the consignment.
- (8) The rules on composite products exempted from official controls at the border control posts and on official controls to be performed on such composite products are substantively linked and are intended to be applied in tandem. In the interests of simplicity and transparency, as well as to facilitate their application and to avoid a multiplication of rules, they therefore should be laid down in a single act rather than in separate acts with many cross-references and the risk of duplication.
- (9) Exemptions from official controls at border control posts for certain composite products already exist pursuant to Commission Decision 2007/275/EC ⁽⁴⁾. Since this Regulation lays down exemptions for products currently covered by Decision 2007/275/EC, certain provisions in that Decision should be deleted from the date of application of this Regulation and that Decision should be amended accordingly.
- (10) The public health requirements for the entry into the Union of composite products laid down in Commission Delegated Regulation (EU) 2019/625 ⁽⁵⁾ will only apply as of 21 April 2021. Similarly, the animal health requirements for the entry into the Union of composite products laid down in Commission Delegated Regulation (EU) 2020/692 ⁽⁶⁾ will only apply as of 21 April 2021. Accordingly, the rules laid down in this Regulation should also apply from that date,

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter

This Regulation establishes rules concerning:

- (1) the cases where and the conditions under which composite products are exempted from official controls at border control posts and when such exemption is justified;
- (2) the performance of specific official controls on composite products exempted from official controls at border control posts.

⁽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 Decision 2007/275/EC of 17 April 2007 concerning lists of composite products subject to controls at border control posts (OJ L 116, 4.5.2007, p. 9).

⁽⁵⁾ 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).

⁽⁶⁾ Commission Delegated Regulation (EU) 2020/692 of 30 January 2020 supplementing Regulation (EU) 2016/429 of the European Parliament and of the Council as regards rules for entry into the Union, and the movement and handling after entry of consignment of certain animals, germinal products and products of animal origin (OJ L 174, 3.6.2020, p. 379).

*Article 2***Definitions**

For the purposes of this Regulation, the following definitions apply:

- (1) 'composite product' means composite product as defined in point (14) of Article 2 of Delegated Regulation (EU) 2019/625;
- (2) 'shelf-stable composite products' means products that do not need to be transported or stored under controlled temperatures.

*Article 3***Composite products exempted from official controls at border control posts**

1. Shelf-stable composite products not containing processed meat and listed in the Annex shall be exempted from official controls at border control posts provided such products meet all of the following requirements:
 - (a) they comply with the requirements for the entry into the Union laid down in Article 12(2)(c) of Delegated Regulation (EU) 2019/625;
 - (b) any dairy and egg products contained in the shelf-stable composite products have been subjected to treatment in accordance with Article 163(a) of Delegated Regulation (EU) 2020/692;
 - (c) they are identified as intended for human consumption; and
 - (d) they are securely packaged or sealed.
2. At the time of placing on the market, shelf-stable composite products referred to in paragraph 1 shall be accompanied by a private attestation in accordance with the model laid down in Annex V to Commission Implementing Regulation (EU) 2020/2235 ⁽⁷⁾.

*Article 4***Official controls on composite products exempted from official controls at border control posts**

1. The competent authorities shall perform official controls on shelf-stable composite products referred to in Article 3(1) regularly, on a risk basis and with appropriate frequency, taking into account the criteria referred to in Article 44(2) of Regulation (EU) 2017/625.
2. The official controls referred to in paragraph 1 shall be performed at any of the following places within the customs territory of the Union:
 - (a) the place of destination;
 - (b) the point of release for free circulation in the Union;
 - (c) the warehouses or the premises of the operator responsible for the consignment.
3. The official controls referred to in paragraph 1 shall be performed in accordance with Articles 45 and 46 of Regulation (EU) 2017/625.

⁽⁷⁾ Commission Implementing Regulation (EU) 2020/2235 of 16 December 2020 laying down rules for the application of Regulations (EU) 2016/429 and (EU) 2017/625 of the European Parliament and of the Council as regards model animal health certificates, model official certificates and model animal health/official certificates, for the entry into the Union and movements within the Union of consignments of certain categories of animals and goods, official certification regarding such certificates and repealing Regulation (EC) No 599/2004, Implementing Regulations (EU) No 636/2014 and (EU) 2019/628, Directive 98/68/EC and Decisions 2000/572/EC, 2003/779/EC and 2007/240/EC (OJ L 442, 30.12.2020, p. 1).

*Article 5***Amendments to Decision 2007/275/EC**

Decision 2007/275/EC is amended as follows:

- (1) Article 6 is deleted;
- (2) Annex II is deleted.

*Article 6***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 21 April 2021.

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

Done at Brussels, 16 February 2021.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

List of composite products exempted from official controls at border control posts (Article 3)

This list sets out composite products, in accordance with the Combined Nomenclature (CN) in use in the Union, that do not need to be submitted for official controls at border control posts.

Notes relating to the table:

Column (1) – CN code

This column indicates the CN code. The CN, established by Regulation (EEC) No 2658/87, is based on the Harmonized Commodity Description and Coding System ('Harmonized System (HS)') drawn up by the Customs Cooperation Council, now the World Customs Organisation, and approved by Council Decision 87/369/EEC⁽¹⁾. The CN reproduces the headings and subheadings of the HS to six digits. The seventh and eighth digits identify further CN subheadings.

Where a four-, six- or eight-digit code not marked with 'ex' is used, and unless otherwise specified, all composite products prefixed with or covered by these four-, six- or eight-digits are not required to be submitted for official controls at border control posts.

Where only certain specified composite products under any four-, six- or eight-digit code contain animal products and no specific subdivision under this code exists in the CN, the code is marked 'ex'. For example, with respect to 'ex 2001 90 65', checks at border control posts are not required for the products outlined in column (2).

Column (2) – Explanations

This column gives details of the composite products covered by the exemption from official controls at border control posts.

CN codes	Explanations
(1)	(2)
1704, ex 1806 20, ex 1806 31 00, ex 1806 32, ex 1806 90 11, ex 1806 90 19, ex 1806 90 31, ex 1806 90 39, ex 1806 90 50, ex 1806 90 90	Confectionery (including sweets), chocolate and other food preparations containing cocoa that meet the requirements of Article 3(1)
ex 1902 19, ex 1902 30, ex 1902 40	Pasta, noodles and couscous that meet the requirements of Article 3(1)
ex 1905 10, ex 1905 20, ex 1905 31, ex 1905 32, ex 1905 40, ex 1905 90	Bread, cakes, biscuits, waffles and wafers, rusks, toasted bread and similar toasted products that meet the requirements of Article 3(1)
ex 2001 90 65, ex 2005 70 00, ex 1604	Olives stuffed with fish that meet the requirements of Article 3(1)
2101	Extracts, essences and concentrates, of coffee, tea or maté and preparations with a basis of these products or with a basis of coffee, tea or maté thereof that meet the requirements of Article 3(1). Roasted chicory and other roasted coffee substitutes, and extracts, essences and concentrates thereof that meet the requirements of Article 3(1).
ex 2104	Soup stocks and flavourings packaged for the final consumer that meet the requirements of Article 3(1)

⁽¹⁾ Council Decision 87/369/EEC of 7 April 1987 concerning the conclusion of the International Convention on the Harmonized Commodity Description and Coding System and of the Protocol of Amendment thereto (OJ L 198, 20.7.1987, p. 1).

ex 2106	Food supplements packaged for the final consumer, containing processed animal products (including glucosamine, chondroitin or chitosan) that meet the requirements of Article 3(1)
ex 2208 70	Liqueurs and cordials that meet the requirements of Article 3(1)
