



2024/950

26.3.2024

COMMISSION DELEGATED REGULATION (EU) 2024/950

of 15 January 2024

amending Delegated Regulation (EU) 2019/1602 as regards the date of application and the cases where customs authorities are required to deduct the quantities stated in the customs declaration from the total allowed quantity declared in the Common Health Entry Document (CHED)

(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 50(4) thereof,

Whereas:

- (1) Regulation (EU) 2022/2399 of the European Parliament and of the Council ⁽²⁾ provides an operational framework of single window services that provide for a seamless flow of data between economic operators and customs authorities, between customs authorities and the Commission, between customs authorities and other administrations or agencies, and between one customs system and another throughout the Union. That framework contains an automatic quantity management functionality via an exchange of information between the national single window environments for customs and the information management system for official controls set up and managed by the Commission in accordance with Article 131(1) of Regulation (EU) 2017/625 (IMSOC). This exchange is carried out through the electronic European Union Customs Single Window Certificates Exchange System (EU CSW-CERTEX), established in Regulation (EU) 2022/2399.
- (2) Article 56 of Regulation (EU) 2017/625 establishes a Common Health Entry Document (CHED) to be completed by operators in accordance with that Regulation regarding 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.
- (3) Commission Delegated Regulation (EU) 2019/1602 ⁽³⁾ establishes the cases where and the conditions under which the CHED is required to accompany to the place of destination each consignment of the categories of animals and goods subject to official controls at border control posts in accordance with Article 47(1) of Regulation (EU) 2017/625 which is intended to be placed on the market.
- (4) For the purposes of preventing the fraudulent reuse of the CHED, Articles 4(c), 5(1)(f) and 6(c) of Delegated Regulation (EU) 2019/1602 require customs authorities to communicate to the IMSOC through EU CSW-CERTEX, 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.

⁽¹⁾ OJ L 95, 7.4.2017, p. 1.

⁽²⁾ Regulation (EU) 2022/2399 of the European Parliament and of the Council of 23 November 2022 establishing the European Union Single Window Environment for Customs and amending Regulation (EU) No 952/2013 (OJ L 317, 9.12.2022, p. 1).

⁽³⁾ Commission Delegated Regulation (EU) 2019/1602 of 23 April 2019 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 (OJ L 250, 30.9.2019, p. 6).

That obligation for quantity management applies in case the consignment is to be placed under the customs procedure of release for free circulation referred to in Article 201 of Regulation (EU) No 952/2013 of the European Parliament and of the Council ^(*) or under the customs procedures of specific use or processing (comprising inward and outward processing) referred to in points (c) and (d) of Article 210 of that Regulation, respectively. It does not apply in case the consignment is to be placed under the customs procedures of transit or storage referred in points (a) and (b) of Article 210 of Regulation (EU) No 952/2013, respectively.

- (5) The application of quantity management at the stage of inward processing complexifies the handling of consignments by customs authorities. In particular, the placement of the consignment under subsequent customs procedures before the release for free circulation requires a manual quantity management to be carried out at the stage of each such procedure, as well as at the final stage of release for free circulation. To simplify the handling of consignments by customs authorities it is appropriate to remove the obligation for customs authorities to carry out quantity management at the stage of inward processing while this verification will continue to apply at the stage of release for free circulation to allow the automatic deduction of the quantities stated in the customs declaration from the total allowed quantity declared in the CHED. Furthermore, the customs procedure of outward processing does not apply to consignments intended to be placed on the Union market subject to Delegated Regulation (EU) 2019/1602. Therefore, the obligation to carry out quantity management at the stage of that procedure should be removed. Delegated Regulation (EU) 2019/1602 should be amended accordingly.
- (6) The date of application of the obligation to carry out quantity management via IMSOC should be aligned with the date of application of the connection of the TRACES system, in respect of the CHED, with the EU CSW-CERTEX. Regulation (EU) 2022/2399 establishes that the said connection is to take place by 3 March 2025. Therefore, the obligation to communicate relevant information to the IMSOC established in Delegated Regulation (EU) 2019/1602 should be aligned to apply in each Member State from the date on which the connection of the TRACES with the EU CSW-CERTEX becomes operational in that Member State or at the latest from 3 March 2025.
- (7) Delegated Regulation (EU) 2019/1602 should be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Amendments to Delegated Regulation (EU) 2019/1602

Delegated Regulation (EU) 2019/1602 is amended as follows:

- (1) in Article 4, point (c) is replaced by the following:

‘(c) the customs authorities shall communicate to the 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 referred to in points (a), (b) and (d) of Article 210 of Regulation (EU) No 952/2013.’;

- (2) in Article 5(1), point (f) is replaced by the following:

‘(f) the customs authorities shall communicate to the 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 is not exceeded. This requirement shall not apply where the consignment is to be placed under the customs procedures referred to in points (a), (b) and (d) of Article 210 of Regulation (EU) No 952/2013.’;

^(*) 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).

(3) in Article 6, point (c) is replaced by the following:

‘(c) for each part of the split consignment, the customs authorities shall communicate to the IMSOC the information on the quantity stated in the customs declaration for that part 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 referred to in points (a), (b) and (d) of Article 210 of Regulation (EU) No 952/2013.’;

(4) in Article 7, the third subparagraph is replaced by the following:

‘However, Article 4, point (c), Article 5(1), point (f), and Article 6, point (c) shall apply from the date on which the customs electronic data-processing techniques referred to in Article 6(1) of Regulation (EU) No 952/2013 become operational or at the latest from 3 March 2025.’.

Article 2

Entry into force

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

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

Done at Brussels, 15 January 2024.

For the Commission
The President
Ursula VON DER LEYEN