Is áis doiciméadúcháin amháin an téacs seo agus níl aon éifeacht dhlíthiúil aige. Ní ghabhann institiúidí an Aontais aon dliteanas orthu féin i leith inneachar an téacs. Is iad na leaganacha de na gníomhartha a foilsíodh in Iris Oifigiúil an Aontais Eorpaigh agus atá ar fáil ar an suíomh gréasáin EUR-Lex na leaganacha barántúla de na gníomhartha ábhartha, brollach an téacs san áireamh. Is féidir teacht ar na téacsanna oifigiúla sin ach na naisc atá leabaithe sa doiciméad seo a bhrú

►B

COMMISSION DELEGATED REGULATION (EU) 2019/2123

of 10 October 2019

supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards rules for the cases where and the conditions under which identity checks and physical checks on certain goods may be performed at control points and documentary checks may be performed at distance from border control posts

(Text with EEA relevance)

(IO L 321, 12.12.2019, lch. 64)

Arna leasú le:

		Iris Oifigiúil		
		Uimh	Leathanach	Dáta
►M1	Rialachán Tarmligthe (AE) 2021/2305 ón gCoimisiún an 21 Deireadh Fómhair 2021	L 461	5	27.12.2021

▼B

COMMISSION DELEGATED REGULATION (EU) 2019/2123

of 10 October 2019

supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards rules for the cases where and the conditions under which identity checks and physical checks on certain goods may be performed at control points and documentary checks may be performed at distance from border control posts

(Text with EEA relevance)

Article 1

Subject matter

1. This Regulation lays down rules for cases where and conditions under which competent authorities may perform:

(a) identity checks and physical checks at a control point other than the border control post on:

(i) consignments of plants, plant products, and other objects referred to in Articles 72(1) and 74(1) of Regulation (EU) 2016/2031 of the European Parliament and of the Council [1] and consignments of plants, plant products, and other objects subject to an emergency measure provided for in acts adopted in accordance with Articles 28(1), 30(1), 40(3), 41(3), 49(1), 53(3) and 54(3) of Regulation (EU) 2016/2031;

▼M1

(ia) coinsíneachtaí plandaí, táirgí plandaí agus réad eile dá dtagraítear i bpointe (i) atá faoi réir rialuithe oifigiúla ag poist rialaithe teorann de bhun Airteagal 45(5) de Rialachán (AE) 2018/848 ó Pharlaimint na hEorpa agus ón gComhairle [2];

(ii) coinsíneachtaí bia agus beatha nach de bhunadh ainmhíoch iad, faoi réir na mbeart dá bhforáiltear in Airteagal 47(1), pointe (d), pointe (e), agus pointe (f) de Rialachán (AE) 2017/625, lena n-áirítear na coinsíneachtaí atá faoi réir rialuithe oifigiúla ag poist rialaithe teorann de bhun Airteagal 45(5) de Rialachán (AE) 2018/848;

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[1] Regulation (EU) 2016/2031 of the European Parliament of the Council of 26 October 2016 on protective measures against pests of plants, amending Regulations (EU) No 228/2013, (EU) No 652/2014 and (EU) No 1143/2014 of the European Parliament and of the Council and repealing Council Directives 69/464/EEC, 74/647/EEC, 93/85/EEC, 98/57/EC, 2000/29/EC, 2006/91/EC and 2007/33/EC (OJ L 317, 23.11.2016, p. 4).

[2] Rialachán (AE) 2018/848 ó Pharlaimint na hEorpa agus ón gComhairle an 30 Bealtaine 2018 maidir le táirgeadh orgánach agus lipéadú táirgí orgánacha agus lena n-aisghairtear Rialachán (CE) Uimh. 834/2007 ón gComhairle (IO L 150, 14.6.2018, lch. 1).

▼M1

(b) seiceálacha doiciméadacha i gcéin ó phost rialaithe teorann ar choinsíneachtaí na nithe seo a leanas:

(i) plandaí, táirgí plandaí agus réada eile dá dtagraítear in Airteagal 72(1) agus Airteagal 74(1) de Rialachán (AE) 2016/2031;

(ii) plandaí, táirgí plandaí agus réada eile dá dtagraítear i bpointe (i) atá faoi réir rialuithe oifigiúla ag poist rialaithe teorann de bhun Airteagal 45(5) de Rialachán (AE) 2018/848.

▼B

2. The competent authorities situated at a distance from the border control post, including at a control point other than the border control post and at an entry point into the Union, shall perform operations during and after documentary, identity and physical checks in accordance with Commission Implementing Regulation 2019/2130 ([1]).

▼M1

Article 1a

Sainmhínithe

Chun críocha an Rialacháin seo, tá feidhm ag na sainmhínithe seo a leanas:

1. ciallaíonn ‘seiceálacha bia agus beatha’ seiceálacha oifigiúla a dhéantar chun comhlíonadh na rialacha dá dtagraítear in Airteagal 1(2), pointe (a) agus pointe (c), de Rialachán (AE) 2017/625 a fhíorú;

2. ciallaíonn ‘seiceálacha físeashláintíochta’ rialuithe oifigiúla a dhéantar chun comhlíonadh na rialacha dá dtagraítear in Airteagal 1(2), pointe (g), de Rialachán (AE) 2017/625 a fhíorú;

3. ciallaíonn ‘seiceálacha orgánacha’ rialuithe oifigiúla dá dtagraítear in Airteagal 6(1) de Rialachán Tarmligthe (AE) 2021/2306 ón gCoimisiún ([2]).

([1]) Commission Implementing Regulation 2019/2130 of 25 November 2019 establishing detailed rules on the operations to be carried out during and after documentary checks, identity checks and physical checks on animals and goods subject to official controls at border control posts (see page 128 of this Official Journal).

([2]) Rialachán Tarmligthe (AE) 2021/2306 ón gCoimisiún an 21 Deireadh Fómhair 2021 lena bhforlíontar Rialachán (AE) 2018/848 ó Pharlaimint na hEorpa agus ón gComhairle le rialacha maidir leis na rialuithe oifigiúla i leith coinsíneachtaí táirgí orgánacha agus táirgí atá á dtiontú a bhfuil sé beartaithe iad a allmhairiú isteach san Aontas agus maidir leis an deimhniú cigireachta (IO L 461, xxx, lch. 13)

▼B

CHAPTER I

Identity checks and physical checks performed at control points other than the border control posts

Article 2

Conditions for the performance of identity and physical checks at a control point other than the border control post

1. ►M1 Seiceálacha céannachta agus seiceálacha fisiceacha lena bhfíoraítear comhlíonadh rialacha an Aontais maidir le sábháilteachta bia, sábháilteacht beatha agus bearta cosanta i gcoinne lotnaidí plandaí, is seiceálacha iad a fhéadfar a dhéanamh ag pointe rialaithe seachas an post rialaithe teorann, i gcás ina mbeidh na coinníollacha seo a leanas i bhfeidhm: ◄

(a) the operator when giving the prior notification in accordance with point (a) of Article 56(3) of Regulation (EU) 2017/625 or the competent authority of the border control post has indicated in the Common Health Entry Document ('CHED') the control point where identity checks and physical checks are to be performed;

(b) the outcome of documentary checks performed by the competent authorities of the border control post is satisfactory;

(c) the competent authorities of the border control post has recorded in the CHED their authorisation to transfer the consignment to the control point;

(d) before the consignment leaves the border control post, the operator has notified the competent authorities of the control point where identity and physical checks are to be performed of the expected time of the arrival of the consignment and of the means of transport by completing and submitting a separate CHED into the information management system for official controls ('IMSOC');

(e) the operator has transported the consignment from the border control post to the control point under customs supervision without the goods being unloaded during the transport;

(f) the operator has ensured that the consignment is accompanied to the control point by a copy of the CHED referred to in point (c), in paper format or in electronic format;

(g) the operator has ensured that:

(i) the consignments of plants, plant products, and other objects referred to in Articles 72(1) and 74(1) of Regulation (EU) 2016/2031 and consignments of plants, plant products, and other objects subject to an emergency measure provided for in acts adopted in accordance with Articles 28(1), 30(1), 40(3), 41(3), 49(1), 53(3) and 54(3) of Regulation (EU) 2016/2031 and consignments of food and feed of non-animal origin referred to in points (e) and (f) of Article 47(1) of Regulation (EU) 2017/625 are accompanied to the control point by an authenticated copy of the official certificates referred to in Article 50(1) of Regulation (EU) 2017/625, issued in accordance with Article 50(2) of that Regulation;

▼B

(ii) consignments of food and feed of non-animal origin subject to the measures provided for by the acts referred to in points (e) and (f) of Article 47(1) of Regulation (EU) 2017/625 are accompanied to the control point by an authenticated copy of the results of laboratory analysis performed by the competent authorities of the third country, issued in accordance with Article 50(2) of that Regulation.

(h) the operator has indicated the reference number of the CHED referred to in point (c) in the customs declaration lodged with the customs authorities for the purposes of the transfer of the consignment to the control point and has kept a copy of that CHED at the disposal of the customs authorities as referred to in Article 163 of Regulation (EU) No 952/2013 of the European Parliament and of the Council ([1]).

2. The requirement for the authenticated copy referred to in points (i) and (ii) of paragraph 1(g) to accompany the consignment shall not apply where the respective official certificates or results of laboratory analysis have been submitted in IMSOC by the competent authorities of the third country or uploaded in IMSOC by the operator and the competent authorities of the border control post have checked that they correspond to the original certificates or results of laboratory analyses.

3. Where the competent authority of a Member State manages an existing national system which records the results of documentary, identity and physical checks, points (d) and (h) of paragraph 1 shall not apply to consignments leaving the border control post to the control point within the same Member State, provided that the following requirements are fulfilled:

(a) information on the expected time of arrival of the consignment to the control point and of the type of the means of transport is available in the existing national system;

(b) the existing national system complies with the following conditions:

(i) it ensures timely information of customs authorities and of the operator on the authorisation referred to in point (c) of paragraph 1 and of the competent authorities of the border control post of the arrival of the consignment at control point,

(ii) it exchanges electronic data with IMSOC, including information on rejections of consignments and information which allows for clear identification of each consignment, such as by way of a unique reference number,

(iii) it ensures that the finalisation of the CHED referred to in point (c) of paragraph 1 may only take place after electronic data exchange and confirmation by IMSOC.

([1]) 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).

▼M1

4. Is iad seo a leanas na rialuithe oifigiúla a fhéadfaidh na húdaráis inniúla a dhéanamh ag pointe rialaithe a shonraítear sa doiciméad coiteann iontrála sláinte (CHED) nach post rialaithe teorann é, ach amháin más amhlaidh a cuireadh tic sa bhosca seiceála ‘ní féidir an choinsíneacht a scaoileadh i saorchúrsaíocht’ i mbosca 30 den deimhniú cigireachta dá dtagraítear in Airteagal 5 de Rialachán Tarmligthe (AE) 2021/2306 (‘deimhniú cigireachta’):

(a) seiceálacha fíteashláintíochta i bhfoirm seiceálacha céannachta agus seiceálacha fisiceacha ar choinsíneachtaí plandaí, táirgí plandaí agus réad eile dá dtagraítear in Airteagal 1(1), pointe (a)(ia), den Rialachán seo;

(b) seiceálacha sábháilteachta bia agus beatha i bhfoirm seiceálacha céannachta agus seiceálacha fisiceacha ar choinsíneachtaí bia agus beatha nach de bhunadh ainmhíoch iad dá dtagraítear in Airteagal 1(1), pointe (a)(ii), den Rialachán seo, ar coinsíneachtaí iad atá faoi réir rialuithe oifigiúla ag poist rialaithe teorann de bhun Airteagal 45(5) de Rialachán (AE) 2018/848.

Airteagal 2a

Na coinníollacha faoina bhféadfaidh seiceálacha orgánacha i bhfoirm seiceálacha céannachta agus seiceálacha fisiceacha a dhéanamh ag pointe rialaithe seachas an post rialaithe teorann ar seiceálacha iad a dhéantar ar choinsíneachtaí táirgí áirithe atá faoi réir rialuithe oifigiúla ag poist rialaithe teorann de bhun Airteagal 45(5) de Rialachán (AE) 2018/848

1. Seiceálacha orgánacha i bhfoirm seiceálacha céannachta agus seiceálacha fisiceacha ar choinsíneachtaí plandaí, táirgí plandaí agus réad eile dá dtagraítear in Airteagal 1(1), pointe (a)(ia), agus ar choinsíneachtaí bia agus beatha nach de bhunadh ainmhíoch iad dá dtagraítear in Airteagal 1(1), pointe (a)(ii), coinsíneachtaí atá faoi réir rialuithe oifigiúla ag poist rialaithe teorann de bhun Airteagal 45(5) de Rialachán (AE) 2018/848, is seiceálacha iad a fhéadfaidh na húdaráis inniúla a dhéanamh ag pointe rialaithe a shonraítear sa deimhniú cigireachta nach post rialaithe teorann é, má chomhlíontar na coinníollacha seo a leanas:

(a) an pointe rialaithe ina bhfuil seiceálacha orgánacha i bhfoirm seiceálacha céannachta agus fisiceacha le déanamh, is pointe rialaithe é a shonraigh an t-oibreoir sa deimhniú cigireachta, an t-oibreoir atá freagrach as an gcoinsíneacht nuair atá réamhfhógra á thabhairt i gcomhréir le hAirteagal 3(1) de Rialachán Cur Chun Feidhme (AE) 2021/2307 ón gCoimisiún ([1]), sin nó is pointe rialaithe é a shonraigh an t-údarás inniúil ag an post rialaithe teorann sa deimhniú cigireachta;

(b) is sásúil é toradh na seiceálacha orgánacha i bhfoirm seiceálacha doiciméadacha a rinne údaráis inniúla an phoist rialaithe teorann;

(c) i mbosca 26 ar an deimhniú cigireachta, thaifead údaráis inniúla an phoist rialaithe teorann a n-údarú leis an gcoinsíneacht a aistriú chuig an bpointe rialaithe;

([1]) Rialachán Cur Chun Feidhme (AE) 2021/2307 an 21 Deireadh Fómhair 2021 lena leagtar síos rialacha maidir leis na doiciméid agus na fógraí atá ag teastáil le haghaidh táirgí orgánacha agus táirgí atá á dtiontú a bhfuil sé beartaithe iad a allmhairiú isteach san Aontas (IO L 461, xxx, lch 30).

▼M1

(d) thaifead údaráis inniúla an phoist rialaithe teorann a n-údarú in CHED leis an gcoinsíneacht a aistriú chuig pointe rialaithe le haghaidh seiceálacha sábháilteachta bia agus beatha i bhfoirm seiceálacha céannachta agus seiceálacha fisiceacha nó le haghaidh seiceálacha físeashláintíochta i bhfoirm seiceálacha céannachta agus seiceálacha fisiceacha, de réir mar is iomchuí;

(e) an t-údarás inniúil atá freagrach as seiceálacha orgánacha ag an bpost rialaithe teorann, cuirfidh sé an t-údarás inniúil atá freagrach as seiceálacha orgánacha ag an bpointe rialaithe ar an eolas faoi theacht isteach na coinsíneachta, agus déanfaidh sé é sin tríd an deimhniú cigireachta a chur isteach sa Chóras um Rialú Trádála agus um Shaineolaithe (TRACES) sula bhfágfaidh an choinsíneacht an post rialaithe teorann;

(f) d'iompair an t-oibreoir an choinsíneacht ón bpost rialaithe teorann chuig an bpointe rialaithe faoi mhaoirseacht chustaim gan na hearraí a dhíluchtú le linn an iompair;

(g) coinsíneachtaí plandaí, táirgí plandaí agus réad eile dá dtagraítear in Airteagal 1(1), pointe (a)(ia), agus coinsíneachtaí bia agus beatha nach de bhunadh ainmhíoch iad dá dtagraítear in Airteagal 1(1), pointe (a)(ii), coinsíneachtaí atá faoi réir rialuithe oifigiúla ag poist rialaithe teorann de bhun Airteagal 45(5) de Rialachán (AE) 2018/848, d'áirithigh an t-oibreoir go mbeadh cóip fíordheimhnithe den deimhniú cigireachta ag gabháil leo chuig an bpointe rialaithe;

(h) shonraigh an t-oibreoir uimhir thagartha an deimhnithe cigireachta sa dearbhú custaim a cuireadh faoi bhráid na n-údarás custaim chun críocha aistriú na coinsíneachta chuig an bpointe rialaithe, agus chuir sé cóip den deimhniú sin ar fáil do na húdaráis chustaim, rud dá dtagraítear in Airteagal 163 de Rialachán (AE) Uimh. 952/2013.

2. An ceanglas maidir le cóip fhíordheimhnithe den deimhniú cigireachta dá dtagraítear i mír 1, pointe (g), a bheith ag gabháil leis an gcoinsíneacht, ní bheidh feidhm ag an gceanglas sin más amhlaidh a d'eisigh an t-údarás rialaithe nó an comhlacht rialaithe sa tríú tír an deimhniú sin in TRACES i gcomhréir le Rialachán Tarmligthe (AE) 2021/2306, sin nó más amhlaidh a d'uaslódáil an t-oibreoir in TRACES é agus go ndearna údaráis inniúla an phoist rialaithe teorann a chinntiú go bhfuil sé ag teacht leis an mbundeimhniú cigireachta.

▼B

Article 3

Identity and physical checks on consignments of food and feed of non-animal origin performed at a control point other than the border control post

1. ►M1 Seiceálacha céannachta agus seiceálacha fisiceacha ar choinsíneachtaí bia agus beatha nach de bhunadh ainmhíoch iad dá dtagraítear in Airteagal 1(1), pointe (a)(ii), is seiceálacha iad a fhéadfaidh na húdaráis inniúla a dhéanamh ag pointe rialaithe seachas an post rialaithe teorann, i gcás ina mbeidh feidhm ag ceachtar díobh seo a leanas: ◄

(a) the operator responsible for the consignment has requested the competent authorities of the border control post that identity checks and physical checks be carried out at the control point, which has been designated for the category of goods of such consignment, and the competent authorities of the border control post authorise the transfer of the consignment to that control point;

▼B

(b) the competent authorities of the border control post have decided that identity checks and physical checks be performed at the control point, which has been designated for the category of goods of such consignment and the operator does not object to this decision.

2. The identity checks and physical checks referred in paragraph 1 shall be performed by the competent authorities of the border control post if either of the following applies:

(a) there is no authorisation by the competent authority of the border control post as referred in paragraph 1(a),

(b) the operator objects to the decision to transfer the consignment to the control point as referred in paragraph 1(b).

▼M1

3. Seiceálacha céannachta agus seiceálacha fisiceacha ar choinsíneachtaí bia agus beatha nach de bhunadh ainmhíoch iad dá dtagraítear in Airteagal 1(1), pointe (a)(ii), coinsíneachtaí atá faoi réir rialuithe oifigiúla ag poist rialaithe teorann de bhun Airteagal 45(5) de Rialachán (AE) 2018/848, is seiceálacha iad a fhéadfaidh na húdaráis inniúla a dhéanamh ag pointe rialaithe seachas an post rialaithe teorann i gcás an mhéid seo a leanas sa bhreis ar na coinníollacha a leagtar amach i mír 1 den Airteagal seo:

(a) an t-oibreoir atá freagrach as an gcoinsíneacht, is amhlaidh a d'iarr sé í a aistriú chuig pointe rialaithe le haghaidh seiceálacha sábháilteachta bia agus beatha agus seiceálacha orgánacha araon, ar seiceálacha iad atá i bhfoirm seiceálacha céannachta agus seiceálacha fisiceacha;

(b) i gcás inar roghnaigh údaráis inniúla an phoist rialaithe teorann an choinsíneacht le haghaidh seiceálacha sábháilteachta bia agus beatha agus seiceálacha orgánacha araon, ar seiceálacha iad atá i bhfoirm seiceálacha céannachta agus seiceálacha fisiceacha, is amhlaidh a d'údaraigh údaráis inniúla an phoist rialaithe teorann an t-aistriú, sin nó a chinn siad é a dhéanamh, de réir mar is iomchuí, i ndáil leis na seiceálacha sin uile. Is seiceálacha iad sin a dhéanfar ag an bpointe rialaithe céanna ar pointe é nach mór a bheith ainmnithe le haghaidh chatagóir na n-earraí sa choinsíneacht agus nach mór a bheith lonnaithe sa Bhallstát ina bhfuil an choinsíneacht le scaoileadh i saorchúrsaíocht.

4. I gcás ina n-aistreofar coinsíneachtaí chuig pointe rialaithe i gcomhréir le mír 3, is in CHED a thaifeadfaidh na húdaráis inniúla atá freagrach as seiceálacha sábháilteachta bia agus beatha ag an bpointe rialaithe teorann an t-aistriú sin, agus is sa deimhniú cigireachta a thaifeadfaidh na húdaráis inniúla atá freagrach as seiceálacha orgánacha ag an bpointe rialaithe teorann é.

▼B

Article 4

Identity and physical checks on consignments of plants, plant products and other objects performed at a control point other than the border control post

1. Identity checks and physical checks may be performed by the competent authorities at a control point other than the border control post on consignments of:

▼B

(a) plants, plant products, and other objects referred to in Articles 72(1) and 74(1) of Regulation (EU) 2016/2031,

(b) plants, plant products, and other objects subject to an emergency measure provided for in acts adopted in accordance with Articles 28(1), 30(1), 40(3), 41(3), 49(1), 53(3) and 54(3) of Regulation (EU) 2016/2031,

▼M1

(c) plandaí, táirgí plandaí agus réada eile dá dtagraítear i bpointe (a) agus pointe (b) atá faoi réir rialuithe oifigiúla ag poist rialaithe teorann de bhun Airteagal 45(5) de Rialachán (AE) 2018/848.

▼B

2. The identity checks and physical checks referred to in paragraph 1 may be performed by the competent authorities at a control point other than a border control post where either of the following applies:

(a) the operator responsible for the consignment has requested the competent authorities of the border control post that identity checks and physical checks be carried out at a control point, which has been designated for the category of goods of such consignment, and the competent authorities of the border control post authorise the transfer of the consignment to the control point;

(b) the competent authorities of the border control post have decided that identity checks and physical checks be performed at a control point, which has been designated for the category of goods of such consignment and the operator does not object to this decision.

3. The identity checks and physical checks referred to in paragraph 1 shall be performed by the competent authorities of the border control post if either of the following applies:

(a) there is no authorisation by the competent authority of the border control post as referred in paragraph 2(a),

(b) the operator objects to the decision to transfer consignment to the control point as referred in paragraph 2(b).

▼M1

4. I ndáil le plandaí, táirgí plandaí agus réada eile dá dtagraítear i mír 1, pointe (c), féadfaidh na húdaráis inniúla seiceálacha céannachta agus seiceálacha fisiceacha a dhéanamh orthu ag pointe rialaithe seachas an post rialaithe teorann i gcás ina mbeidh feidhm ag an méid seo a leanas sa bhreis ar cheann amháin de na coinníollacha a leagtar amach i mír 2:

(a) an t-oibreoir atá freagrach as an gcoinsíneacht, is amhlaidh a d'iarr sé í a aistriú chuig pointe rialaithe le haghaidh seiceálacha físeash-láintíochta agus seiceálacha orgánacha araon, ar seiceálacha iad atá i bhfoirm seiceálacha céannachta agus seiceálacha fisiceacha;

▼M1

(b) i gcás inar roghnaigh údaráis inniúla an phoist rialaithe teorann an choinsíneacht le haghaidh seiceálacha físeashláintíochta agus seiceálacha orgánacha araon, ar seiceálacha iad atá i bhfoirm seiceálacha céannachta agus seiceálacha fisiceacha, is amhlaidh a d'údaraigh údaráis inniúla an phoist rialaithe teorann an t-aistriú, sin nó a chinn siad é a dhéanamh, de réir mar is iomchuí, i ndáil leis na seiceálacha uile sin. Is seiceálacha iad sin a dhéanfar ag an bpointe rialaithe céanna ar pointe é nach mór a bheith ainmnithe le haghaidh chatagóir na n-earraí sa choinsíneacht agus nach mór a bheith lonnaithe sa Bhallstát ina bhfuil an choinsíneacht le scaoileadh i saorchúrsaíocht.

5. I gcás ina n-aistreofar coinsíneachtaí chuig pointe rialaithe i gcomhréir le mír 4, is in CHED a thaifeadfaidh na húdaráis inniúla atá freagrach as seiceálacha físeashláintíochta ag an bpointe rialaithe teorann an t-aistriú sin, agus is sa deimhniú cigireachta a thaifeadfaidh na húdaráis inniúla atá freagrach as seiceálacha orgánacha ag an bpointe rialaithe teorann é.

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Article 5

Specific conditions for identity checks and physical checks at a control point other than the border control post of consignments of plants, plant products and other objects

1. The identity checks and physical checks may be performed at a control point for consignments referred to in Article 4(1) provided the operator has ensured that packaging or the means of transport of consignments are closed or sealed in such a way that, during their transfer to the control point they cannot cause infestation of or 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 Articles 5(2) and 30(1) of Regulation (EU) 2016/2031 and, in the case of protected zones, with the respective pests included on list established pursuant to Article 32(3) of that Regulation.

2. By way of derogation from paragraph 1 the competent authorities of the border control post of entry may allow that the packaging or the means of transport of consignments of plants, plant products and other objects is not closed or sealed, where the following conditions apply:

(a) the consignment consists of wood of conifers grown or produced in a geographical area of a third country where that third country shares a land border with the Member State for which the competent authority is responsible and where there is information that the wood has the same phytosanitary status in that third country and that Member State,

(b) the consignments of wood of conifers are transported to a control point that is situated in the same Member State as the border control post of entry,

(c) the consignments of wood of conifers do not pose a specific risk of spreading Union quarantine pests, or pests subject to measures adopted pursuant to Article 30(1) of Regulation (EU) 2016/2031, during transport to the control point,

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(d) before leaving the territory of that Member State, the competent authority ensures that such wood is processed in a way that the wood does not represent a phytosanitary risk.

3. Member States that make use of provisions referred to in paragraph 2 shall:

(a) inform the Commission and the other Member States of the area of the third country concerned and on the phytosanitary status of this area;

(b) annually submit a report with the volume and results of official controls performed on the wood of conifers concerned.

Article 6

Operations during and after identity and physical checks at a control point other than the border control post

1. After the competent authorities of the border control post have authorised or decided on the transfer of the consignment to the control point indicated in the CHED, the operator responsible for the consignment shall not present the consignment for identity and physical checks to a control point different from the one indicated in the CHED, unless the competent authorities of the border control post authorise the transfer of the consignment to another control point in accordance with point (a) of Article 3(1) and point (a) of Article 4(2).

2. The competent authorities of the control point shall confirm the arrival of the consignment to the competent authorities of the border control post by completing in IMSOC the CHED referred to in point (a) of Article 2(1).

3. The competent authorities of the control point shall finalise the separate CHED referred to in point (d) of Article 2(1), or where Article 2(3) applies, the CHED referred to in point (c) of Article 2(1), by recording therein the outcome of the identity checks and physical checks and any decision on the consignment taken in accordance with Article 55 of Regulation (EU) 2017/625.

4. The operator shall provide the reference number of the finalised CHED referred to in paragraph 3 in the customs declaration which is lodged for the consignment with the customs authorities and shall keep a copy of that CHED at the disposal of the customs authorities as a supporting document as referred to in Article 163 of Regulation (EU) No 952/2013.

5. Where the competent authorities of the border control post have not received, within 15 days from the day on which the transfer of a consignment to the control point was authorised, confirmation of the arrival of the consignment from the competent authorities of the control point, they shall:

(a) verify with the competent authorities of the control point whether the consignment has arrived at the control point;

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(b) where the verification provided for in point (a) shows that the consignment has not arrived at control point, inform the customs authorities and other authorities referred to in Article 75(1) of Regulation (EU) 2017/625 of not having received confirmation of the arrival of the consignment to destination;

(c) undertake further investigation to determine the actual location of the goods in cooperation with customs authorities and other authorities as referred to in Article 75(1) of Regulation (EU) 2017/625.

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6. I ndáil le coinsíneachtaí a aistrítear chuig pointe rialaithe chun gur féidir seiceálacha orgánacha a dhéanamh orthu, ar seiceálacha iad atá i bhfoirm seiceálacha céannachta agus seiceálacha fisiceacha, déanfaidh údaráis inniúla an phointe rialaithe an méid seo a leanas:

(a) teacht isteach na coinsíneachta a dheimhniú trí TRACES do na húdaráis inniúla atá freagrach as seiceálacha orgánacha ag an bpointe rialaithe teorann;

(b) toradh na seiceálacha orgánacha i bhfoirm seiceálacha céannachta agus seiceálacha fisiceacha a thaifeadadh sa deimhniú cigireachta mar aon leis an gcinneadh a rinneadh i leith na coinsíneachta, i gcomhréir le hAirteagal 6(3) de Rialachán Tarmligthe (AE) 2021/2306.

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CHAPTER II

Documentary checks performed at a distance from a border control post

Article 7

Documentary checks on consignments of plants, plant products and other objects performed at a distance from a border control post

▼M1

Seiceálacha doiciméadacha ar choinsíneachtaí plandaí, táirgí plandaí agus réad eile atá ag teacht isteach san Aontas dá dtagraítear in Airteagal 1(1), pointe (b), is seiceálacha iad a fhéadfaidh ceachtar díobh seo a leanas a dhéanamh:

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(a) where consignments arrive at a border control post, competent authorities situated at a distance from the border control post or at a control point other than a border control post, provided they are situated in the same Member State as the border control post of arrival of the consignment;

(b) where consignments are subject to a reduced frequency rate as laid down in the rules referred to in point (g) of Article 1(2) of Regulation (EU) 2017/625 and arrive at a point of entry other than the border control post, the competent authorities at the point of entry into the Union.

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Article 8

Conditions for the performance of documentary checks on consignments of plants, plant products and other objects performed at a distance from a border control post

1. The performance of documentary checks referred to in Article 7 shall be subject to compliance with the following conditions:

(a) the competent authorities referred to in Article 7 shall perform documentary checks on:

(i) official certificates and results of laboratory tests uploaded in IMSOC by the competent authorities of the border control post of arrival of consignment,

(ii) official certificates and results of laboratory tests uploaded in IMSOC by the operator where the competent authorities of the border control post have checked that they correspond to the original certificates or results of laboratory tests,

(iii) official certificates and results of laboratory tests submitted in IMSOC by the competent authorities of third countries,

(iv) original official certificates, when the competent authorities referred to in Article 7 are part of the designated border control post as referred to in Article 4(2) of Commission Implementing Regulation (EU) 2019/1012 ([1]); or

▼M1

(v) i ndáil le plandaí, táirgí plandaí agus réada eile dá dtagraítear in Airteagal 4(1), pointe (c), den Rialachán seo, an deimhniú cigireachta dá dtagraítear i Rialachán Tarmligthe (AE) 2021/2306.

▼B

(b) the consignment shall not be transported to the control point for identity and physical checks by the operator from the border control post until the competent authorities referred to in Article 7 have informed the competent authorities of the border control post of the satisfactory results of the documentary checks.

▼M1

2. I gcás ina mbeidh coinsíneachtaí plandaí, táirgí plandaí agus réad eile le hiompar ag an oibreoir chuig pointe rialaithe chun gur féidir seiceálacha céannachta agus seiceálacha fisiceacha a dhéanamh orthu, beidh feidhm ag Airteagail 2, 2a, 4 agus 5.

▼B

3. A consignment of plants, plant products and other objects may be transported by the operator from the border control post to a control point for the performance of documentary checks, provided that the control point is under the supervision of the same competent authority as the border control post.

([1]) Commission Delegated Regulation (EU) 2019/1012 of 12 March 2019 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council by derogating from the rules on the designation of control points and from the minimum requirements for border control posts (OJ L 165, 21.6.2019, p. 4).

▼B

CHAPTER III

Final provisions

Article 9

Repeals

1. Commission Directive 2004/103/EC is repealed with effect from 14 December 2020.

2. Commission Decisions 2010/313/EU and 2010/458/EU are repealed with effect from 14 December 2019.

Article 10

Entry into force and 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 14 December 2019.

Articles 4(1)(a), 7 and 8 shall apply from 14 December 2020.

Article 2(3) shall apply until 13 December 2023.

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