



Brussels, 11 June 2015  
(OR. en)

8237/1/15  
REV 1

LIMITE

AGRI 214  
VETER 35  
AGRILEG 90  
ANIMAUX 22  
SAN 123  
DENLEG 64  
PHYTOSAN 24  
SEMENCES 11  
CODEC 580

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Interinstitutional File:  
2013/0140 (COD)

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#### WORKING DOCUMENT

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| From:          | Presidency  |
| To:            | Delegations   |
| No. Cion doc.: | 9464/13 - COM(2013) 265 final   |
| Subject:       | Proposal for a Regulation of the European Parliament and of the Council 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, plant reproductive material, plant protection products and amending Regulations (EC) No 999/2001, 1829/2003, 1831/2003, 1/2005, 396/2005, 834/2007, 1099/2009, 1069/2009, 1107/2009, Regulations (EU) No 1151/2012, [...] /2013 [Office of Publications, please insert number of Regulation laying down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material], and Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC, 2008/120/EC and 2009/128/EC (Official controls Regulation) |

Delegations will find in Annex to this document a table presenting the **revised** Presidency suggestions (in bold and highlighted in grey) for rewording of the text of Articles 42 to 90 of the above proposal, comparing:

- *in the first column:* the Commission proposal
- *in the second column:* the EP amendments
- *in the third column:* Presidency suggestions for rewording
- *in the fourth column:* suggested approach to the EP amendments.

2013/0140 (COD)

The following table of comparison has been drafted in the context of the preparation for the discussion with the European Parliament.

It does not constitute an official document in the context of the ordinary legislative procedure.

| <b>Commission proposal COM(2013)<br/>265 final - 2013/0140 (COD)</b>               | <b>EP amendments<br/><br/>15 April 2014</b>  | <b>Presidency suggestions</b>  | <b>Remarks</b>   |
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| <b>Chapter V<br/>Official controls on animals and<br/>goods entering the Union</b> | <b>Chapter V<br/>Official controls on animals and<br/>goods entering the Union</b>   | <b>Chapter V<br/>Official controls on animals and<br/>goods entering the Union</b> |  |
|  | <b>AMD 151</b><br><br><b>Article 41 a - paragraph 1 (new)</b><br><br><i>Official controls on animals and<br/>goods entering the Union shall be<br/>organised according to risk, and may<br/>take place at border control posts in<br/>accordance with Section II of this<br/>chapter, with a view to checking<br/>compliance with the regulatory<br/>provisions specific to certain animals<br/>or goods, or at an appropriate place in<br/>accordance with Section I of this<br/>chapter.</i> |  | <b>Not acceptable as already covered<br/>by Article 8.</b> |

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| <b>Chapter V</b><br><b>Official controls on animals and goods entering the Union</b>   | <b>Chapter V</b><br><b>Official controls on animals and goods entering the Union</b>                                    | <b>Chapter V</b><br><b>Official controls on animals and goods entering the Union</b>   |  |
| <b>SECTION I</b><br><b>ANIMALS AND GOODS NOT SUBJECT TO SPECIFIC OFFICIAL CONTROLS AT BORDERS</b>  | <b>SECTION I</b><br><b>ANIMALS AND GOODS NOT SUBJECT TO SPECIFIC OFFICIAL CONTROLS AT BORDERS</b>                       | <b>SECTION I</b><br><b>ANIMALS AND GOODS NOT OTHER THAN THOSE SUBJECT TO SPECIFIC OFFICIAL CONTROLS AT BORDERS CONTROL POSTS UNDER SECTION II</b>  |  |
| <i>Article 42</i><br><i>Official controls on animals and goods not subject to specific official controls at borders</i>  | <i>Article 42</i><br><i>Official controls on animals and goods not subject to specific official controls at borders</i> | <i>Article 42</i><br><i>Official controls on animals and goods <b>other than those</b> not subject to <del>specific</del> official controls at borders <b>control posts-under Section II</b></i>   |  |
| <ul style="list-style-type: none"> <li>1. The competent authorities shall perform official controls regularly on animals and goods entering the Union to ascertain compliance with the rules referred to in Article 1(2).</li> </ul> |   | <ul style="list-style-type: none"> <li>1. The competent authorities shall perform official controls regularly, <b>on a risk basis and with appropriate frequency</b>, on animals and goods entering the Union and <b>to which Articles 45 and 46 do not apply</b> to ascertain compliance with the rules referred to in Article 1(2).</li> </ul> |  |
| On animals and goods to which Article 45 does not apply, those official controls shall be performed with appropriate frequency, taking into account:   |   | <b>1a. On animals and goods referred to in paragraph 1 to which Articles 45 does not apply, those official controls shall be performed with the appropriate frequency of the official controls shall be determined, taking into account:</b>   |  |

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| (a) the risks to human, animal or plant health, animal welfare or, as regards GMOs and plant protection products, to the environment, associated with different types of animals and goods; |   | <ul style="list-style-type: none"> <li>(a) the risks to human, animal or plant health, animal welfare or, as regards GMOs and plant protection products, <b>also</b> to the environment, associated with different types of animals and goods;</li> </ul> |  |
|   | <b>AMD 152</b><br><br><b>Article 42 – paragraph 1 – subparagraph 2 – point a a (new)</b><br><br><i>(aa) the likelihood of fraudulent practices which might deceive consumer expectation regarding nature, quality and composition of foods and goods;</i> |   | <b>Principle acceptable but already covered by suggested changes to Article 8(2)</b> |
| (b) the history of compliance with the requirements established by the rules referred to in Article 1(2) applicable to the animals or goods concerned:                                      |   | <ul style="list-style-type: none"> <li>(b) the history of compliance with the requirements established by the rules referred to in Article 1(2) applicable to the animals or goods concerned:</li> </ul>  |  |
| (i) of the third country and establishment of origin;   |   | <ul style="list-style-type: none"> <li>(i) of the third country and establishment of origin <b>or place of production as appropriate;</b></li> </ul>  |  |
| (ii) of the exporter;   |   | <ul style="list-style-type: none"> <li>(ii) of the exporter;</li> </ul>   |  |
| (iii) of the operator responsible for the consignment;  |   | <ul style="list-style-type: none"> <li>(iii) of the operator responsible for the consignment;</li> </ul>  |  |

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| (c) the controls that have already been performed on the animals and goods concerned;   |  | • (c) the controls that have already been performed on the animals and goods concerned;   |  |
| (d) the guarantees that the competent authorities of the third country of origin has given with regard to compliance of the animals and goods with the requirements established by the rules referred to in Article 1(2) or with requirements recognised to be at least equivalent thereto. |  | • (d) the guarantees that the competent authorities of the third country of origin has given with regard to compliance of the animals and goods with the requirements established by the rules referred to in Article 1(2) or with requirements recognised to be at least equivalent thereto. |  |
| • 2. The official controls provided for in paragraph 1 shall be performed at an appropriate place within the customs territory of the Union, including:   |  | 2. The official controls provided for in paragraph 1 shall be performed at an appropriate place within the customs territory of the Union, including:   |  |
| (a) the point of entry into the Union;  |  | • (a) the point of entry into the Union;  |  |
| (b) a border control post;  |  | • (b) a border control post;  |  |
| (c) the point of release for free circulation in the Union;   |  | • (c) the point of release for free circulation in the Union;   |  |
| (d) the warehouses and the premises of the operator responsible for the consignment.  |  | • (d) the warehouses and the premises of the operator responsible for the consignment;  |  |
| •   |  | • <b>(e) the place of destination.</b>  |  |

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| <ul style="list-style-type: none"> <li>3. The competent authorities at border control posts and other points of entry into the Union shall perform official controls on the following whenever they have reason to believe that their entry into the Union may pose a risk to human, animal or plant health, animal welfare or, as regards GMOs and plant protection products, to the environment:</li> </ul> |   | 3. <b>Notwithstanding paragraphs 1 and 2,</b> <del>t</del> The competent authorities at border control posts and other points of entry into the Union shall perform official controls on the following whenever they have reason to believe that their entry into the Union may pose a risk to human, animal or plant health, animal welfare or, as regards GMOs and plant protection products, <b>also</b> to the environment: |  |
| (a) means of transport, including where empty;  |   | <ul style="list-style-type: none"> <li>(a) means of transport, including where empty;</li> </ul>  |  |
| (b) packaging.  |   | <ul style="list-style-type: none"> <li>(b) packaging, <b>including pallets. whether made of wood or not, and other wood packaging material.</b></li> </ul>  |  |
| <ul style="list-style-type: none"> <li>4. The competent authorities may also perform official controls on goods that are placed under one of the customs procedures defined in points (a) to (g) of Article 4(16) of Council Regulation (EEC) No 2913/92.</li> </ul>  |   | 4. The competent authorities may also perform official controls on goods that are placed under one of the customs procedures defined in points (a) to (g) of Article 4(16) of Council Regulation (EEC) No 2913/92.  |  |
| <p><i>Article 43</i></p> <p><i>Types of official controls on animals and goods not subject to specific official controls at borders</i></p>   | <p><i>Article 43</i></p> <p><i>Types of official controls on animals and goods not subject to specific official controls at borders</i></p> | <p><i>Article 43</i></p> <p><i>Types of official controls on animals and goods <b>other than those not</b> subject to <del>specific</del> official controls at border control posts under Section II</i></p>  |  |
| 1. The official controls referred to in Article 42(1) shall:  |   | 1. <del>The</del> <b>Where</b> official controls <b>are</b>   |  |

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|  |  | <b>performed in accordance with</b><br><del>referred to in</del> Article 42(1), they shall:  |  |
| (a) always include a documentary check;  |  | • (a) always include a documentary check; <b>and</b>   |  |
| (b) include identity and physical checks depending on the risk to human, animal or plant health, animal welfare or, as regards GMOs and plant protection products, to the environment.   |  | • (b) include identity and physical checks depending on the risk to human, animal or plant health, animal welfare or, as regards GMOs and plant protection products, <b>also</b> to the environment.   |  |
| • 2. The competent authorities shall carry out the physical checks referred to in point (b) of paragraph 1 under appropriate conditions allowing investigations to be conducted properly.  |  | 2. The competent authorities shall carry out the physical checks referred to in point (b) of paragraph 1 under appropriate conditions allowing investigations to be conducted properly.  |  |
| • 3. Where the documentary, identity and physical checks referred to in paragraph 1 show that animals and goods do not comply with the rules referred to in Article 1(2), Articles 64(1), (3), (4) and (5), 65, 66, 67, 69(1) and (2) and 70(1) and (2) shall apply. |  | 3. Where the documentary, identity <del>and</del> physical checks referred to in paragraph 1 show that animals and goods do not comply with the rules referred to in Article 1(2), Articles 64(1), (3) <del>and</del> , (4) <del>and</del> (5), 65, 66, 67, 69(1) and (2), <del>and</del> 70(1) and (2), <b>134 and 135</b> shall apply. |  |
| • 4. The Commission shall be empowered to adopt delegated acts in accordance with Article 139 concerning the cases where and the conditions under which competent authorities may  |  | 4. The Commission shall be empowered to adopt delegated acts in accordance with Article 139 concerning the cases where and the conditions under which competent authorities may request operators to notify the arrival of certain goods   |  |

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| request operators to notify the arrival of certain goods entering the Union.  |   | entering the Union.   |  |
| <i>Article 44</i><br><i>Samples taken on animals and goods not subject to specific official controls at borders</i>   | <i>Article 44</i><br><i>Samples taken on animals and goods not subject to specific official controls at borders</i> | <i>Article 44</i><br><i>Samples taken on animals and goods <b>other than those</b> not subject to specific official controls at borders <b>control posts under Section II</b></i>   |  |
| 1. Where samples on animals and goods are taken, the competent authorities shall:   |   | 1. Where samples on animals and goods are taken, the competent authorities shall, <b>without prejudice to Chapter IV:</b>   |  |
| (a) inform the customs authorities and the operators concerned;   |   | • (a) inform <b>the operators concerned and, where appropriate,</b> the customs authorities <del>and the operators concerned;</del>   |  |
| (b) decide whether or not the animals or goods can be released before the results of the analysis, test or diagnosis carried out on the samples are available, provided that the traceability of the animals or goods is ensured. |   | • (b) decide whether or not the animals or goods <b>need to be detained</b> <del>can be released before pending</del> the results of the analysis, test or diagnosis carried out. <del>on the samples are available, provided that the traceability of the animals or goods is ensured.</del> |  |
| 2. The Commission shall, by means of implementing acts:   |   | 2. The Commission shall, by means of implementing acts:   |  |
| (a) establish the mechanisms necessary to ensure the traceability of the animals or goods referred to in point (b) of paragraph 1;  |   | • (a) establish the <b>procedures</b> <del>mechanisms</del> necessary to ensure the traceability of the animals or goods referred to in point (b) of paragraph 1;   |  |



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| (b) identify the documents that must accompany the animals or goods referred to in paragraph 1 when samples have been taken by the competent authorities.   |  | <ul style="list-style-type: none"> <li>(b) identify the documents that must accompany the animals or goods referred to in paragraph 1 when samples have been taken by the competent authorities.</li> </ul>  |                                       |
| Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 141(2).  |  | Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 141(2).   |                                       |
| <b>SECTION II</b><br><b>OFFICIAL CONTROLS AT BORDER CONTROL POSTS ON ANIMALS AND GOODS</b>  | <b>SECTION II</b><br><b>OFFICIAL CONTROLS AT BORDER CONTROL POSTS ON ANIMALS AND GOODS</b>         | <b>SECTION II</b><br><b>OFFICIAL CONTROLS AT BORDER CONTROL POSTS ON ANIMALS AND GOODS</b>   |                                       |
| <i>Article 45</i><br><i>Animals and goods subject to official controls at border control posts</i>  | <i>Article 45</i><br><i>Animals and goods subject to official controls at border control posts</i> | <i>Article 45</i><br><i>Animals and goods subject to official controls at border control posts</i>   |                                       |
| <ul style="list-style-type: none"> <li>1. To ascertain compliance with the rules referred to in Article 1(2), the competent authorities shall perform official controls, at the border control post of first arrival to the Union, on each consignment of the following categories of animals and goods entering the Union from third countries:</li> </ul> |  | 1. To ascertain compliance with the rules referred to in Article 1(2), the competent authorities shall perform official controls, at the border control post of first arrival to the Union, on each consignment of the following categories of animals and goods entering the Union— <del>from third countries</del> : |                                       |
| (a) animals;  |  | <ul style="list-style-type: none"> <li>(a) animals;</li> </ul>   |                                       |
|   | <b>AMD 153</b><br>(b) <i>products of animal origin, foods</i>                                      | <ul style="list-style-type: none"> <li>(b) products of animal origin, germinal products and animal</li> </ul>  | <b>Not acceptable; administrative</b> |

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| (b) products of animal origin, germinal products and animal by-products;  | <i>that contain</i> products of animal origin, germinal products and animal by-products; | by-products;  | <b>burden for operators and for competent authorities enlarging the scope to too many goods of low risk or no risk subject to official controls at BCPs.</b> |
| (c) plants, plant products, and other objects and materials capable of harbouring or spreading pests of plants as referred to in the lists established pursuant to Articles 68(1) and 69(1) of Regulation (EU) No XXX/XXXX [Office of Publications, please insert number of the Regulation on protective measures against pests of plants];                         |  | <ul style="list-style-type: none"> <li>(c) plants, plant products, and other objects <del>and materials</del> capable of harbouring or spreading pests of plants as referred to in the lists established pursuant to Articles 68(1) and 69(1) of Regulation (EU) No XXX/XXXX [Office of Publications, please insert number of the Regulation on protective measures against pests of plants];</li> </ul>  |  |
| (d) goods originating from certain third countries for which the Commission has decided, by means of implementing acts provided for in point (b) of paragraph 2, that a measure requiring a temporary increase of official controls at their entry into the Union is necessary due to a known or emerging risk or because there is evidence that widespread serious |  | <ul style="list-style-type: none"> <li>(d) goods <del>originating</del> from certain third countries for which the Commission has decided, by means of implementing acts provided for in point (b) of paragraph 2, that a measure requiring a temporary increase of official controls at their entry into the Union is necessary due to a known or emerging risk or because there is evidence that widespread serious non-compliance with the rules referred to in Article 1(2) might be taking place;</li> </ul> |  |

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| non-compliance with the rules referred to in Article 1(2) might be taking place;   |  |   |  |
| (e) animals and goods which are subject to an emergency measure provided for in acts adopted in accordance with Article 53 of Regulation (EC) No 178/2002, Article 249 of Regulation (EU) No XXX/XXXX <i>[Office of Publications, please insert number of the Regulation on animal health]</i> , or Articles 27(1), 29(1), 40(2), 41(2), 47(1), 49(2) and 50(2) of Regulation (EU) No XXX/XXXX <i>[Office of Publications, please insert number of the Regulation on protective measures against pests of plants]</i> requiring consignments of those animals or goods, identified by means of their codes from the Combined Nomenclature, to be subject to official controls at their entry into the Union; |  | <ul style="list-style-type: none"> <li>(e) animals and goods which are subject to an emergency measure provided for in acts adopted in accordance with Article 53 of Regulation (EC) No 178/2002, Article 249 of Regulation (EU) No XXX/XXXX <i>[Office of Publications, please insert number of the Regulation on animal health]</i>, or Articles 27(1), 29(1), 40(2), 41(2), 47(1), 49(2) and 50(2) of Regulation (EU) No XXX/XXXX <i>[Office of Publications, please insert number of the Regulation on protective measures against pests of plants]</i> requiring consignments of those animals or goods, identified by means of their codes from the Combined Nomenclature, to be subject to official controls at their entry into the Union;</li> </ul> |  |

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| (f) animals and goods in relation to whose entry into the Union conditions or measures have been established by acts adopted in accordance with Articles 125 or 127 respectively, or with the rules referred to in Article 1(2), which require that compliance with those conditions or measures be ascertained at the entry of the animals or goods into the Union. |  | <ul style="list-style-type: none"> <li>(f) animals and goods in relation to whose entry into the Union conditions or measures have been established by acts adopted in accordance with Articles 125 or 127 respectively, or with the rules referred to in Article 1(2), which require that compliance with those conditions or measures be ascertained at the entry of the animals or goods into the Union.</li> </ul> |  |
| <ul style="list-style-type: none"> <li>2. The Commission shall, by means of implementing acts:</li> </ul>  |  | 2. The Commission shall, by means of implementing acts:  |  |
| (a) establish lists detailing the animals and goods belonging to the categories referred to in points (a) and (b) of paragraph 1, indicating their codes from the Combined Nomenclature;   |  | <ul style="list-style-type: none"> <li>(a) establish lists detailing <b>all</b> the animals and goods <del>belonging to the categories</del> referred to in points (a) and (b) of paragraph 1, indicating their codes from the Combined Nomenclature;</li> </ul>   |  |
| (b) establish the list of goods belonging to the category referred to in point (d) of paragraph 1, indicating their codes from the Combined Nomenclature, and update it as necessary in relation to the risks referred to in that point.   |  | <ul style="list-style-type: none"> <li>(b) establish the list of goods belonging to the category referred to in point (d) of paragraph 1, indicating their codes from the Combined Nomenclature, and update it as necessary in relation to the risks referred to in that point.</li> </ul>   |  |

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| Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 141(2).   |  | <ul style="list-style-type: none"> <li>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 141(2).</li> </ul>  |  |
| <ul style="list-style-type: none"> <li>3. The Commission shall be empowered to adopt delegated acts in accordance with Article 139 concerning amendments of the categories of consignments referred to in paragraph 1, to include other products which may give rise to risks to human, animal or plant health or, as regards GMOs and plant protection products, to the environment.</li> </ul> |  | <p>3. The Commission shall be empowered to adopt delegated acts in accordance with Article 139 concerning amendments of the categories of consignments referred to in paragraph 1, to include <b>composite products, hay and straw</b> and other products <b>strictly limited to products presenting a newly identified</b> <del>which may give rise to taking into account the risks</del> to human, animal or plant health or, as regards GMOs and plant protection products, <b>also</b> to the environment.</p> |  |
| <ul style="list-style-type: none"> <li>4. Unless otherwise provided by the acts establishing the measures or conditions referred to in points (d), (e) and (f) of paragraph 1, this Article shall also apply to consignments of the categories of animals and goods referred to in points (a), (b) and (c) of paragraph 1 when they are of a non-commercial nature.</li> </ul>                   |  | <p>4. Unless otherwise provided by the acts establishing the measures or conditions referred to in points (d), (e) and (f) of paragraph 1, this Article shall also apply to consignments of the categories of animals and goods referred to in points (a), (b) and (c) of paragraph 1 when they are of a non-commercial nature.</p>   |  |

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|  |   | <b>5. Operators responsible for the consignment shall ensure that animals and goods of the categories referred to in paragraph 1 are presented for official controls at the border control post referred to therein.</b>   |                       |
| <i>Article 46</i><br><i>Animals and goods exempted from official controls at border control posts</i>  | <i>Article 46</i><br><i>Animals and goods exempted from official controls at border control posts</i> | <i>Article 46</i><br><i>Animals and goods exempted from official controls at border control posts</i>  |                       |
| The Commission shall be empowered to adopt delegated acts in accordance with Article 139, concerning rules establishing the cases where and the conditions under which the following categories of animals and goods are exempted from the provisions of Article 45: |   | The Commission shall be <del>empowered to</del> adopt delegated acts in accordance with Article 139, concerning rules establishing the cases where and the conditions under which the following categories of animals and goods are exempted from the provisions of Article 45, <b>when such exemption is justified:</b> |                       |
| (a) <i>goods sent as commercial or trade samples or as display items for exhibitions, which are not intended to be placed on the market;</i>   | <b>AMD 154</b><br><i>deleted</i>  | (a) goods sent as commercial or trade samples or as display items for exhibitions, which are not intended to be placed on the market;  | <b>Not acceptable</b> |
| (b) <i>animals and goods intended for scientific purposes;</i>   | <b>AMD 155</b><br><i>deleted</i>  | (b) animals and goods intended for scientific purposes;  | <b>Not acceptable</b> |
| (c) goods on board means of transport operating internationally which are not unloaded and are intended for  |   | (c) goods on board means of transport operating internationally which are not unloaded and are intended for  |                       |

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| consumption by the crew and passengers;  |   | consumption by the crew and passengers;   |                       |
| (d) goods which form part of passengers personal luggage and are intended for personal consumption;  |   | (d) goods which form part of passengers personal luggage and are intended for personal consumption <b>or use</b> ;  |                       |
| (e) small consignments of goods sent to natural persons which are not intended to be placed on the market;   |   | (e) small consignments of goods sent to natural persons which are not intended to be placed on the market;  |                       |
| (f) pet animals as defined in point (10) of Article 4(1) of Regulation (EU) No XXX/XXXX [Office of Publications, please insert number of the Regulation on animal health]; | <b>AMD 156</b><br><br><i>deleted</i>                                  | (f) pet animals as defined in point (110) of Article 4(1) of Regulation (EU) No XXX/XXXX [Office of Publications, please insert number of the Regulation on animal health];   | <b>Not acceptable</b> |
| (g) goods which have undergone heat treatment and do not exceed quantities to be defined in those delegated acts;  |   | (g) goods which have undergone <del>heat</del> <b>specific</b> treatment and do not exceed quantities to be defined in those delegated acts;  |                       |
| (h) any other category of animals or goods for which controls at border control posts are not necessary given the risks they pose.   |   | (h) <del>any other categories</del> of animals or goods <b>posing a low risk or no specific risk and</b> for which controls at border control posts are <b>therefore</b> not necessary <del>given the risks they pose</del> . |                       |
| <i>Article 47</i><br><i>Official controls at border control posts</i>  | <i>Article 47</i><br><i>Official controls at border control posts</i> | <i>Article 47</i><br><i>Official controls at border control posts</i>   |                       |
| • 1. The competent authorities shall perform official controls on the consignments of the  |   | 1. The competent authorities shall perform official controls on the consignments of the categories  |                       |

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| categories of animals and goods referred to in Article 45(1) upon arrival of the consignment at the border control post. Those official controls shall include documentary, identity and physical checks.   |  | of animals and goods referred to in Article 45(1) upon arrival of the consignment at the border control post. Those official controls shall include documentary, identity and physical checks.   |  |
| <ul style="list-style-type: none"> <li>2. All consignments of the categories of animals and goods referred to in Article 45(1) shall be subject to documentary and identity checks.</li> </ul>  |  | <del>2.. All consignments of the categories of animals and goods referred to in Article 45(1) shall be subject to documentary and identity checks.</del>   |  |
| <ul style="list-style-type: none"> <li>3. Physical checks shall be performed on consignments of the categories of animals and goods referred to in Article 45(1) at a frequency dependent on the risk posed by each animal, good or category of animals or goods to human, animal or plant health, animal welfare or, as regards GMOs and plant protection products, to the environment.</li> </ul> |  | <del>3. Physical checks shall be performed on consignments of the categories of animals and goods referred to in Article 45(1) at a frequency dependent on the risk posed by each animal, good or category of animals or goods to human, animal or plant health, animal welfare or, as regards GMOs and plant protection products, also to the environment.</del>  |  |
| <ul style="list-style-type: none"> <li>4. Physical checks to verify compliance with animal health and welfare requirements or with plant health requirements laid down in the rules referred to in Article 1(2) shall be performed by, or under the supervision of, staff possessing appropriate qualifications in veterinary or phytosanitary matters respectively, designated</li> </ul>          |  | <ul style="list-style-type: none"> <li>4. <b>(a)</b> Physical checks to verify compliance with animal health and welfare requirements <del>or with plant health requirements</del> laid down in the rules referred to in Article 1(2) shall, <b>where such checks concern animals or products of animal origin,</b> be performed by <b>an official veterinarian</b> <del>or an official</del></li> </ul> |  |



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| by the competent authorities for that purpose.  |  | <del>plant health officer or under the supervisions of, who may be assisted by</del> staff trained in accordance with the requirements established pursuant to paragraph 6a possessing appropriate qualifications in veterinary phytosanitary matters respectively, and designated by the competent authorities for that purpose.  |                       |
| Where such checks are performed on animals they shall be carried out by an official veterinarian <i>or under his supervision.</i> | <b>AMD 157</b><br><br>Where such checks are performed on animals <i>or on products of animal origin</i> , they shall be carried out by an official veterinarian, <i>who may be assisted by specially trained support staff whilst retaining responsibility for the checks carried out.</i> | <del>Where physical such checks are performed on animals and on meat and edible meat offal, they shall be carried out by an official veterinarian or under his supervision except for</del><br><br><b>This paragraph shall not apply to physical checks performed on live fish, live bivalve molluscs, live echinoderms, live tunicates and live marine gastropods intended for human consumption.</b> | <b>Not acceptable</b> |
|   |  | (b) <del>Where</del> Physical checks to verify compliance with plant health requirements laid down in the rules referred to in Article 1(2) on plants, plant products and other objects shall be   |                       |

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|  |  | <p><del>performed to verify compliance with the phytosanitary requirements on plants, plants products and other objects they shall be carried out</del> by an official plant health officer.</p>  |  |
| <ul style="list-style-type: none"> <li>5. The competent authorities at border control posts shall systematically perform official controls on consignments of animals being transported and on means of transport to verify compliance with the animal welfare requirements laid down in the rules referred to in Article 1(2). Arrangements shall be put in place by competent authorities to give priority to official controls on animals being transported and to reduce delays on such controls.</li> </ul> |  | <p>5. The competent authorities at border control posts shall systematically perform official controls on consignments of animals being transported and on means of transport to verify compliance with the animal welfare requirements laid down in the rules referred to in Article 1(2). Arrangements shall be put in place by competent authorities to give priority to official controls on animals being transported and to reduce delays on such controls.</p> |  |
| <ul style="list-style-type: none"> <li>6. The Commission may, by means of implementing acts establish the modalities of presentation of consignments of the categories of goods referred to in Article 45(1), the sub-entities which can constitute an individual consignment and the maximum number of such sub-entities in each consignment,</li> </ul>  |  | <p>6. The Commission may, by means of implementing acts establish the modalities of presentation of consignments of the categories of <b>animals and</b> goods referred to in Article 45(1), the <b>transport units or</b> sub-entities which can constitute an individual consignment and the maximum number of such</p>   |  |

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| taking into account the need to guarantee the rapid and efficient handling of the consignments and the official controls to be performed by the competent authorities. |  | <b>transport units or</b> sub-entities in each consignment, taking into account the need to guarantee the rapid and efficient handling of the consignments and the official controls to be performed by the competent authorities <b>and, where relevant, international standards.</b>   |  |
|  |  | <b>6a.The Commission shall, by means of implementing acts, lay down the specific training requirements <del>necessary to ensure that the</del>for staff designated by the competent authorities assisting the official veterinarian in the <del>for</del> performance ing of the physical checks at the border control posts. to verify compliance with the animal health and welfare requirements or with the plant health requirements laid down in the rules referred to Article 1(2), possess the necessary skills for the performance of those tasks.</b> |  |
| Those implementing acts shall be adopted in accordance with the examination procedure referred to in   |  | Those implementing acts shall be adopted in accordance with the examination procedure referred to in   |  |

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| Article 141(2).   |   | Article 141(2).  |  |
| <i>Article 48</i><br><i>Certificates and documents</i><br><i>accompanying consignments and split</i><br><i>consignments</i>   | <i>Article 48</i><br><i>Certificates and documents</i><br><i>accompanying consignments and split</i><br><i>consignments</i> | <i>Article 48</i><br><i>Certificates and documents</i><br><i>accompanying consignments and split</i><br><i>consignments</i>  |  |
| <ul style="list-style-type: none"> <li>1. The original official certificates or documents, or electronic equivalents, which are required by the rules referred to in Article 1(2) to accompany consignments of the categories of animals and goods referred in Article 45(1) shall be presented to, and kept by, the competent authorities of the border control post.</li> </ul>                                     |   | <ul style="list-style-type: none"> <li>1. The original official certificates or documents, or electronic equivalents, which are required by the rules referred to in Article 1(2) to accompany consignments of the categories of animals and goods referred in Article 45(1) shall be presented to, and kept by the competent authorities of the border control post <b>unless otherwise provided for in the rules referred to in Article 1(2).</b></li> </ul> |  |
| <ul style="list-style-type: none"> <li>2. The competent authorities of the border control post shall issue the operator responsible for the consignment with an authenticated paper or electronic copy of the official certificates or documents referred to in paragraph 1 or, if the consignment is split, with individually authenticated paper or electronic copies of such certificates or documents.</li> </ul> |   | <ul style="list-style-type: none"> <li>2. The competent authorities of the border control post shall issue the operator responsible for the consignment with an authenticated paper or electronic copy of the official certificates or documents referred to in paragraph 1 or, if the consignment is split, with individually authenticated paper or electronic copies of such certificates or documents.</li> </ul>  |  |
| <ul style="list-style-type: none"> <li>3. Consignments shall not be split until official controls have</li> </ul>   |   | <ul style="list-style-type: none"> <li>3. Consignments shall not be split until official controls have been</li> </ul>   |  |

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| been performed and the Common Health Entry Document (CHED) referred to in Article 54 has been finalised in accordance with Articles 54(4) and 55(1). |  | performed and the Common Health Entry Document ( <b>herein “CHED”</b> ) referred to in Article 54 has been finalised in accordance with Articles 54(4) and 55(1).   |  |
|  |  | <b>4. The Commission shall be empowered to adopt delegated acts in accordance with Article 139 concerning rules establishing the cases where and the conditions under which the CHED must accompany consignments of the categories of animals and goods referred to in Article 45(1) to the place of destination.</b> |  |
| <i>Article 49</i><br><i>Specific rules for official controls at border control posts</i>   | <i>Article 49</i><br><i>Specific rules for official controls at border control posts</i> | <i>Article 49</i><br><i>Specific rules for official controls at border control posts</i>  |  |
| The Commission shall be empowered to adopt delegated acts in accordance with Article 139 concerning rules to establish:                              |  | The Commission shall <del>be empowered to</del> adopt delegated acts in accordance with Article 139 concerning rules to establish:  |  |
| (a) the cases where and the conditions under which the competent authorities of a  |  | (a) the cases where and the conditions under which the competent authorities of a   |  |

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| border control post may authorise the onward transportation of consignments of the categories of animals and goods referred to in Article 45(1) to the place of final destination pending the availability of the results of physical checks, where such checks are required; |  | border control post may authorise the onward transportation of consignments of the categories of animals and goods referred to in Article 45(1) to the place of final destination pending the availability of the results of physical checks, where such checks are required;   |  |
| (b) the time limits and modalities for carrying out documentary, identity and physical checks on transhipped consignments of the categories of goods referred to in Article 45(1);  |  | (b) the time limits and modalities for carrying out documentary <b>and, where necessary,</b> identity and physical checks on <b>animals and the goods subject to the official controls provided for in Article 45(1) which enter the Union by sea or by air transport from a third country, are moved from a vessel or aircraft and are transported under customs supervision to another vessel or aircraft in the same port or airport in preparation for onward travel, referred to as "transhipped" consignments</b> <del>of the categories of goods referred to in Article 45(1);</del> |  |

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| (c) the cases where and the conditions under which identity and physical checks of transhipped consignments and of animals arriving by air or sea and staying on the same means of transport for onward travel may be performed at a border control post other than the one of first arrival into the Union;   |  | (c) the cases where and the conditions under which identity and physical checks of transhipped consignments and of animals arriving by air or sea and staying on the same means of transport for onward travel may be performed at a border control post other than the one of first arrival <del>into</del> the Union;  |  |
| (d) the cases where and the conditions under which the transit of consignments of the categories of animals and goods referred to in Article 45(1) may be authorised and the specific official controls to be performed at border control posts on such consignments, including the cases and conditions for their storage in specially approved free or customs warehouses. |  | (d) the cases where and the conditions under which the transit of consignments of the categories of animals and goods referred to in Article 45(1) may be authorised and the <del>specific</del> <b>certain</b> official controls to be performed at border control posts on such consignments, including the cases and conditions for their storage <b>of goods</b> in specially approved free or customs warehouses <b>or free zones</b> . |  |
|  |  | <b><u>Option 1</u></b><br><br>(e) the cases where and the conditions under which <b>derogations to the rules on documentary, identity and</b>  |  |

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|  |  | <p>physical checks shall apply as regards transhipped consignments and transit of consignments of the goods referred to in point (c) of Article 45 (1).</p> <p><b><u>Option 2 ( new paragraph 2)</u></b></p> <p>The competent authorities may authorise the onward transportation of consignments of goods referred to in point (c ) of Article 45(1) of this Regulation , which are in transit or transhipped and which fulfil the conditions of Article 45 (1) of Regulation (EU) No XXX/XXXX] <i>Office of publication please insert number of the Regulation on protective measures against pests of plants</i>] without performing documentary, identity and physical checks.</p> |  |
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| <i>Article 50</i><br><i>Details of documentary, identity and physical checks</i>  | <i>Article 50</i><br><i>Details of documentary, identity and physical checks</i>  | <i>Article 50</i><br><i>Details of documentary, identity and physical checks</i>  |   |
| For the purposes of ensuring the uniform implementation of the rules laid down in Articles 47, 48 and 49, the Commission shall by means of implementing acts, lay down the details of the operations to be carried out during and after the documentary, identity and physical checks referred to in those rules to ensure the efficient performance of those official controls. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 141(2). |   | For the purposes of ensuring the uniform implementation of the rules laid down in Articles 47, 48 and 49, the Commission shall by means of implementing acts, lay down the details of the operations to be carried out during and after the documentary, identity and physical checks referred to in those rules to ensure the efficient performance of those official controls. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 141(2). |   |
| <i>Article 51</i><br><i>Official controls not performed at border control posts of first arrival</i>  | <i>Article 51</i><br><i>Official controls not performed at border control posts of first arrival</i>  | <i>Article 51</i><br><i>Official controls not performed at border control posts of first arrival</i>  |   |
| •   | <b>AMD 158</b><br><b>Article 51 – paragraph 1 – introductory part - (new)</b><br><i>1. Competent authorities may perform the identity and physical checks of the animals and goods entering the Union from third countries referred to in Article 45(1) at control points other</i> |   | <b>Not acceptable but proposed changes in paragraph 1 will oblige the COM to adopt such rules through delegated acts.</b> |

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|  | <i>than border control posts, provided that those control points comply with the requirements provided for in article 62(3) and in the implementing acts adopted in accordance with article 62(4).</i> |  |  |
| 1. The Commission shall be empowered to adopt delegated acts in accordance with Article 139 concerning rules establishing the cases where and the conditions under which:  | The Commission shall be empowered to adopt delegated acts in accordance with Article 139 concerning rules establishing the cases where and the conditions under which:                                 | 1. The Commission shall <del>be empowered to adopt</del> delegated acts in accordance with Article 139 concerning rules establishing the cases where and the conditions under which:   |  |
| (a) <i>identity and physical checks on consignments of the categories of animals and goods referred to in Article 45(1) may be performed by competent authorities at control points other than border control posts provided that those control points comply with the requirements provided for in Article 62(3) and in the implementing acts adopted in accordance with Article 62(4);</i> | <b>AMD 159</b><br><br><i>deleted</i>   | (a) identity and physical checks on consignments of the categories of animals and goods referred to in Article 45(1) <b>so that such checks</b> may be performed by competent authorities at control points other than border control posts provided that those control points comply with the requirements provided for in Article 62(3) and in the implementing acts adopted in accordance with Article 62(4); |  |
| (b) physical checks on consignments which have undergone documentary   |  | (b) physical checks on consignments which have undergone documentary and identity checks at a  |  |

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| and identity checks at a border control post of first arrival may be performed at another border control post in a different Member State;          |  | border control post of first arrival <b>to the Union</b> may be performed at another border control post in a different Member State;   |   |
| (c)   |  | <b>(ba) identity and physical checks on consignments which have undergone documentary checks at a border control post of first arrival to the Union may be performed at another border control post in a different Member State;</b>  |   |
| (d) specific control tasks relating to the following may be attributed by competent authorities to customs authorities or other public authorities: |  | (c) specific control tasks <b>may be performed by</b> <del>relating to the following may be attributed by competent authorities</del> customs authorities or other public authorities, <b>insofar as those tasks are not already falling under the responsibility of those authorities:</b> |   |
| (i) consignments referred to in Article 63(2);  |  | • (i) consignments referred to in Article 63(2);  |   |
| (ii) passengers personal luggage;   |  | • (ii) passengers personal luggage;   |   |
| (iii) <i>goods ordered by distance selling.</i>   | <b>AMD 160</b><br>iii) <i>small consignments sent to private</i> | • (iii) goods ordered <del>by</del> <b>from distance-selling, including by telephone or via the internet.</b>   | <b>Partially acceptable as reworded</b> |

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|  | <i>individuals or acquired at a distance (by telephone, post or internet).</i>  |   |                       |
|  | <b>AMD 161</b><br><b>Article 51 – paragraph 1 – letter c – point iii a (new)</b><br><i>(iiia) pet animals which meet the conditions laid down in Article 5 of Implementing Regulation (EU) No 576/2013 of the European Parliament and of the Council<sup>1</sup>.</i> | <ul style="list-style-type: none"> <li><i>(iiia) pet animals which meet the conditions [laid down in Article 5 of Implementing Regulation (EU) No 576/2013 of the European Parliament and of the Council].</i></li> </ul>                               | <b>Not acceptable</b> |
|  |   | <b>(d) documentary checks on consignments of plant, plant products and other objects referred to in Article 45 (1) (c) may be performed at distance from a border control post.</b>   |                       |
| <ul style="list-style-type: none"> <li>2. Point (b) of Article 54(2), point (a) of Article 55(2) and Articles 57, 58, 60, 61, 62(3) and (4), shall apply to the control points referred to in point (a) of paragraph 1.</li> </ul> |   | 2. Point (b) of Article 54(2), point (a) of Article 55(2), <del>and Articles 57(1), point (a) and (c) of Article 58(1) and Articles 60, 61, 62(3) and (4),</del> shall <b>also</b> apply to the control points referred to in point (a) of paragraph 1. |                       |
| <i>Article 52</i><br><i>Frequency of identity and physical</i>   | <i>Article 52</i><br><i>Frequency of identity and physical</i>  | <i>Article 52</i><br><i>Frequency of <b>documentary</b>, identity</i>   |                       |

<sup>1</sup> ***Regulation (EU) No 576/2013 of the European Parliament and of the Council on the non-commercial movement of pet animals and repealing Regulation (EC) No 998/2003.***

| <i>checks</i>   | <i>checks</i> | <i>and physical checks</i>   |  |
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|   |               | <b>1a. All consignments of the categories of animals and goods referred to in Article 45(1) shall be subject to documentary checks.</b>  |  |
|   |               | <b>1b. Identity and physical checks shall be performed on consignments of the categories of animals and goods referred to Article 45(1) at a frequency dependent on the risk posed by each animal, good or category of animals or goods to human, animal or plant health, animal welfare or, as regards GMOs and plant protection products, also to the environment.</b>   |  |
| 1. The Commission shall be empowered to adopt delegated acts in accordance with Article 139 concerning rules establishing the categories of animals and goods and the conditions under which, by derogation from Article 47(2) and account taken of the reduced risk, identity checks on consignments of animals and goods referred to in Article 45(1) shall be: |               | <ul style="list-style-type: none"> <li><del>1. The Commission shall be empowered to adopt delegated acts in accordance with Article 139 concerning rules establishing the categories of animals and goods and the conditions under which, by derogation from Article 47(2) and account taken of the reduced risk, identity checks on consignments of animals and goods referred to in Article 45(1) shall be:</del></li> </ul> |  |
| (a) performed at a reduced frequency;   |               | <ul style="list-style-type: none"> <li><del>(a) performed at a reduced</del></li> </ul>  |  |

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|   |  | frequency;  |   |
| (b) limited to the verification of a consignment's official seal, where any such seal is present.   |  | <ul style="list-style-type: none"> <li><del>(b) limited to the verification of a consignment's official seal, where any such seal is present.</del></li> </ul>  |   |
| 2. The Commission shall be empowered to adopt delegated acts in accordance with Article 139 concerning rules establishing:  |  | 2. The Commission shall, <b>by means of implementing acts, lay down rules for the uniform application of the appropriate frequency rate referred to in paragraph 1b. Such rules shall establish:</b> <del>be empowered to adopt delegated acts in accordance with Article 139 concerning rules establishing:</del>                                      |   |
| (a) the criteria and the procedures for determining and modifying the frequency rates of physical checks to be performed on consignments of the categories of animals and goods referred to in points (a), (b) and (c) of Article 45(1) and to adjust them to the level of risk associated with those categories, having regard to: | <b>AMD 162</b><br>(a) the criteria and the procedures for determining and modifying the <i>minimum</i> frequency rates of physical checks to be performed on consignments of the categories of animals and goods referred to in points (a), (b) and (c) of Article 45(1) and to adjust them to the level of risk associated with those categories, having regard to: | (a) the criteria and the procedures for determining and modifying the frequency rates of <b>identity</b> and physical checks to be performed on consignments of the categories of animals and goods referred to in points (a), (b) and (c) of Article 45(1) and to adjust them to the level of risk associated with those categories, having regard to: | <b>Not acceptable. First part of paragraph 2 refers to appropriate frequency rate and see also Article 8(1)</b> |
| (i) information collected by the Commission in  |  | <ul style="list-style-type: none"> <li>(i) information collected by the Commission in accordance with Article 124(1);</li> </ul>  |   |

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|  | accordance with Article 124(1);   |  |  |  |
|  | (ii) the outcome of controls performed by Commission experts in accordance with Article 115(1);   |  | <ul style="list-style-type: none"> <li>(ii) the outcome of controls performed by Commission experts in accordance with Article 1195(1);</li> </ul>   |  |
|  | (iii) operators' past record as regards compliance with the rules referred to in Article 1(2);  |  | <ul style="list-style-type: none"> <li>(iii) operators' past record as regards compliance with the rules referred to in Article 1(2);</li> </ul>   |  |
|  | (iv) data and information collected via the information management system referred to in Article 130;   |  | <ul style="list-style-type: none"> <li>(iv) data and information collected via the information management system referred to in Article 130;</li> </ul>  |  |
|  | (v) available scientific assessments; and,  |  | <ul style="list-style-type: none"> <li>(v) available scientific assessments; and,</li> </ul>   |  |
|  | (vi) any other information regarding the risk associated to the categories of animals and goods.  |  | <ul style="list-style-type: none"> <li>(vi) any other information regarding the risk associated to the categories of animals and goods.</li> </ul>   |  |
|  | (b) the conditions under which Member States may increase the frequency rates of physical checks established in accordance with point (a) so as to take |  | (b) the conditions under which Member States may increase the frequency rates of <b>identity and</b> physical checks established in accordance with point (a) so as to take account of local risk factors; |  |

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| account of local risk factors;   |  |  |  |
| (c) the procedures for ensuring that the frequency rates of physical checks established in accordance with point (a) are applied in a timely and uniform manner. | <b>AMD 163</b><br>(c) the procedures for ensuring that the <i>minimum</i> frequency rates of physical checks established in accordance with point (a) are applied in a timely and uniform manner.                        | (c) the procedures for ensuring that the frequency rates of <b>identity and</b> physical checks established in accordance with point (a) are applied in a timely and uniform manner.   | <b>Not acceptable. First part of paragraph 2 refers to appropriate frequency rate and also see Article 8(1)</b>  |
|  |  | <b>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 141(2).</b>  |  |
| • 3. The Commission shall, by means of implementing acts, lay down rules establishing:   |  | 3. The Commission shall, by means of implementing acts, lay down rules establishing:   |  |
| (a) the frequency of physical checks for the categories of goods referred to in point (d) of Article 45(1);  | <b>AMD 164</b><br>(a) the <i>minimum</i> frequency of physical checks for the categories of goods referred to in point (d) of Article 45(1);   | (a) the frequency of <b>identity and</b> physical checks for the categories of goods referred to in point (d) of Article 45(1);  | <b>Not acceptable . First part of paragraph 2 refers to appropriate frequency rate and see also Article 8(1)</b> |
| (b) the frequency of physical checks for the categories of animals and goods referred to in points (e) and (f) of Article 45(1) as                               | <b>AMD 165</b><br>(b) the <i>minimum</i> frequency of physical checks for the categories of animals and goods referred to in points (e) and (f) of Article 45(1) as long as this is not already provided for in the acts | (b) the frequency of <b>identity and</b> physical checks for the categories of animals and goods referred to in points (e) and (f) of Article 45(1) as long as this is not already provided for in the acts referred to therein. | <b>Not acceptable. First part of paragraph 2 refers to appropriate frequency rate and see also Article 8(1)</b>  |



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| long as this is not already provided for in the acts referred to therein.   | referred to therein.                                  |   |  |
| Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 141(2).  |   | Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 141(2).  |  |
| <i>Article 53</i><br><i>Decisions on consignments</i>   | <i>Article 53</i><br><i>Decisions on consignments</i> | <i>Article 53</i><br><i>Decisions on consignments</i>   |  |
| <ul style="list-style-type: none"> <li>1. A decision shall be taken by the competent authorities on each consignment of the categories of animals and goods referred to in Article 45(1) following the performance of official controls, indicating whether the consignment is in compliance with the rules referred to in Article 1(2) and, where relevant, the applicable customs procedure.</li> </ul> |   | <ul style="list-style-type: none"> <li>1. A decision shall be taken by the competent authorities on each consignment of the categories of animals and goods referred to in Article 45(1) following the performance of official controls <b>including documentary and, where necessary, identity and physical checks</b>, indicating whether the consignment is in compliance with the rules referred to in Article 1(2) and, where relevant, the applicable customs procedure.</li> </ul> |  |
| <ul style="list-style-type: none"> <li>2. Decisions taken following a physical check to verify compliance with animal health and welfare requirements or with plant health requirements shall be taken by staff possessing appropriate qualifications in veterinary or phytosanitary matters respectively, and designated by</li> </ul>   |   | <ul style="list-style-type: none"> <li>2. <b>(a) Decisions on consignments on the basis of the results of taken following a physical check regarding to verify compliance with animal health and welfare requirements or with plant health requirements laid down in the rules referred to in Article 1(2) shall, where they concern animals or</b></li> </ul>  |  |

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| the competent authorities for that purpose.  |  | <del>products of animal origin, be taken by an official veterinarian. an official plant health officer or by staff trained in accordance with the requirements established pursuant to Article 47(6a), and/or possessing appropriate qualifications in veterinary or phytosanitary matters respectively, and designated by the competent authorities for that purpose.</del> |                       |
| Decisions on consignments of animals shall be taken by an official veterinarian <i>or under his supervision.</i> | <b>AMD 166</b><br><br>Decisions on consignments of animals <i>and products of animal origin</i> shall be taken by an official veterinarian <i>who may be assisted by specially trained support staff whilst retaining responsibility for the checks carried out.</i> | <del>Such decisions, as regards on consignments of meat and edible meat offal and of animals, except This paragraph shall not apply to live fish, live bivalve molluscs, live echinoderms, live tunicates and live marine gastropods intended for human consumption. shall be taken by an official veterinarian or under his supervision.</del>                              | <b>Not acceptable</b> |
|  |  | <del>(b) Such Decisions on consignments regarding verification of compliance with the phytosanitary plant health requirements laid down in the rules referred to in Article 1(2) shall, where they concern, as regards consignments of plants,</del>   |                       |

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|   |  | <b>plant products and other objects, be taken by an official plant health officer.</b>  |  |
|   | <b>AMD 167</b><br><br><b>Article 53 – paragraph 2 a (new)</b><br><br><i>2a. These decisions shall be recorded in the CHED referred to in the following articles.</i> |   | <b>Not acceptable ; redundant as already covered in Article 54</b> |
| <i>Article 54</i><br><i>Use of the Common Health Entry Document by the operator and by the competent authorities</i>  | <i>Article 54</i><br><i>Use of the Common Health Entry Document by the operator and by the competent authorities</i>   | <i>Article 54</i><br><i>Use of the Common Health Entry Document by the operator and by the competent authorities</i>  |  |
| <ul style="list-style-type: none"> <li>1. For each consignment of the categories of animals and goods referred to in Article 45(1) the operator responsible for the consignment shall complete a CHED, providing the information necessary for the immediate and complete identification of the consignment and its destination.</li> </ul> |  | 1. For each consignment of the categories of animals and goods referred to in Article 45(1) the operator responsible for the consignment shall complete <b>the relevant part of the</b> CHED, providing the information necessary for the immediate and complete identification of the consignment and its destination. |  |
| <ul style="list-style-type: none"> <li></li> </ul>  |  | <b>1a. References in this Regulation to the CHED, shall be considered to include a reference to its electronic equivalent.</b>  |  |
| <ul style="list-style-type: none"> <li>2. The CHED shall be used:</li> </ul>  |  | 2. The CHED shall be used:  |  |
| (a) by the operators responsible for consignments of the  |  | (a) by the operators responsible for consignments of the categories of animals and  |  |

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| categories of animals and goods referred to in Article 45(1) in order to give prior notification to the competent authorities of the border control post of the arrival of those consignments; |   | goods referred to in Article 45(1) in order to give prior notification to the competent authorities of the border control post of <del>the</del> <b>first</b> -arrival of those consignments; |   |
| (b) by the competent authorities of the border control post, in order to:  |   | (b) by the competent authorities of the border control post, in order to:   |   |
| (i) record the outcome of the official controls performed and any decisions taken on that basis, including the decision to reject a consignment;   |   | (i) record the outcome of the official controls performed and any decisions taken on that basis, including the decision to reject a consignment;  |   |
| (ii) communicate the information referred to in point (i) through the TRACES system.   | <b>AMD 168</b><br>(ii) communicate the information referred to in point (i) through <i>or in electronic exchange with</i> the TRACES system.  | (ii) communicate the information referred to in point (i) through the <del>TRACES</del> <b>integrated computerised</b> system referred to in Article <b>130 (1)</b> .                         | <b>Not acceptable. IMSOC is the umbrella system integrating in particular TRACES.</b> |
|  | <b>AMD 169</b><br><br><b>Article 54 – paragraph 2 a (new)</b><br><br><i>2a. The operators and competent authorities referred to in this paragraph may also use a national information system to feed data into the TRACES system.</i> |   | <b>Principle acceptable but already covered in Article 133 (a).</b>                   |

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| <ul style="list-style-type: none"> <li>3. Operators shall give prior notification in accordance with point (a) of paragraph 2 by completing and submitting the relevant part of the CHED into the TRACES system for transmission to the competent authorities of the border control post prior to the physical arrival of the consignment into the Union.</li> </ul> |  | 3. Operators <b>responsible for the consignment</b> shall give prior notification in accordance with point (a) of paragraph 2 by completing and submitting the relevant part of the CHED into the <del>TRACES</del> -system <b>referred to in Article 130(1)</b> for transmission to the competent authorities of the border control post prior to the physical arrival of the consignment into the Union. |   |
| <ul style="list-style-type: none"> <li>4. The competent authorities of the border control post shall <b>finalise the CHED</b> as soon as:</li> </ul>   | <b>AMD 170</b><br>4. The competent authorities of the border control post shall <i>record the decision on the consignment in the Common Health Entry Document</i> as soon as <i>all official controls required by Article 47(1) have been performed.</i> | 4. The competent authorities of the border control post shall finalise the CHED as soon as:  | <b>Not acceptable. Duplicate paragraph (2)(b)(ii)</b> |
| (a) <i>all official controls required by Article 47(1) have been performed;</i>  |  | (a) all official controls required by Article 47(1) have been performed;   |   |
| (b) <i>the results from physical checks, where such checks are required, are available;</i>  |  | (b) the results from physical checks, where such checks are required, are available;   |   |
| (c) <i>a decision on the consignment has been taken in accordance with Article 53 and recorded on the CHED.</i>  |  | (c) a decision on the consignment has been taken in accordance with Article 53 and recorded on the CHED.   |   |

| <i>Article 55</i><br><i>Use of the Common Health Entry Document by customs authorities</i>  | <i>Article 55</i><br><i>Use of the Common Health Entry Document by customs authorities</i> | <i>Article 55</i><br><i>Use of the Common Health Entry Document by customs authorities</i>  |  |
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| <ul style="list-style-type: none"> <li>1. The placing of consignments of the categories of animals and goods referred to in Article 45(1) under supervision or control by the customs authorities, including the entry or handling in free zones or customs warehouses, shall be subject to the presentation by the operator to the custom authorities of the CHED, or its electronic equivalent, duly finalised in the TRACES system by the competent authorities of the border control post.</li> </ul> |  | <ul style="list-style-type: none"> <li>1. The placing and handling of consignments of the categories of animals and goods referred to in Article 45(1) under a custom procedure by the customs authorities, including the entry or handling in free <del>zones</del> or customs warehouses <b>or in free zones</b> shall be subject to the presentation by the operator <b>responsible for the consignment</b> to the custom authorities of the CHED, <del>or its electronic equivalent,</del> duly finalised in the <del>TRACES</del> <b>integrated computerised</b> system <b>referred to in Article 130(1)</b> by the competent authorities of the border control post.</li> </ul> |  |
| <ul style="list-style-type: none"> <li>2. Customs authorities shall:</li> </ul>   |  | <ul style="list-style-type: none"> <li>2. Customs authorities shall:</li> </ul>   |  |
| <ul style="list-style-type: none"> <li>(a) not allow the placing of the consignment under a customs procedure different from the one indicated by the</li> </ul>  |  | <ul style="list-style-type: none"> <li>(a) not allow the placing of the consignment under a customs procedure different from the one indicated by the competent authorities of the</li> </ul>   |  |

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| competent authorities of the border control post;  |  | border control post;   |  |
| (b) only allow the release for free circulation of a consignment upon presentation of a duly finalised CHED which confirms that the consignment is in compliance with the rules referred to in Article 1(2).   |  | (b) only allow the release for free circulation of a consignment upon presentation of a duly finalised CHED which confirms that the consignment is in compliance with the <b>applicable</b> rules referred to in Article 1(2).   |  |
| <ul style="list-style-type: none"> <li>3. Where a customs declaration is made for a consignment of the categories of animals or goods referred to in Article 45(1) and the CHED is not presented, the customs authorities shall detain the consignment and immediately notify the competent authorities of the border control post. The competent authorities shall take the necessary measures in accordance with Article 64(5).</li> </ul> |  | <ul style="list-style-type: none"> <li>3. Where a customs declaration is made for a consignment of the categories of animals or goods referred to in Article 45(1) and the CHED is not presented, the customs authorities shall detain the consignment and immediately notify the competent authorities of the border control post. The competent authorities shall take the necessary measures in accordance with Article 64(5).</li> </ul> |  |
| <i>Article 56</i><br><i>Format, time requirements and specific rules for the use of the Common Health Entry Document</i>   | <i>Article 56</i><br><i>Format, time requirements and specific rules for the use of the Common Health Entry Document</i> | <i>Article 56</i><br><i>Format, time requirements and specific rules for the use of the Common Health Entry Document</i>   |  |
| <ul style="list-style-type: none"> <li>1. The Commission shall, by means of implementing acts, lay down rules establishing:</li> </ul>   |  | <ul style="list-style-type: none"> <li>1. The Commission shall, by means of implementing acts, lay down rules establishing:</li> </ul>   |  |
| (a) the format of the CHED and the instructions for its  |  | (a) the format of the CHED and the instructions for its  |  |

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| presentation and use;   |  | presentation and use, <b>taking into account relevant international standards;</b>  |                       |
| (b) the minimum time requirements for prior notification of consignments by operators as provided for in point (a) of Article 54(2) in order to enable the competent authorities of the border control post to perform official controls in a timely and effective manner.  |  | (b) the minimum time requirements for prior notification of consignments by operators <b>responsible for the consignment</b> as provided for in point (a) of Article 54(2) in order to enable the competent authorities of the border control post to perform official controls in a timely and effective manner.         |                       |
| Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 141(2).  |  | Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 141(2).  |                       |
| <ul style="list-style-type: none"> <li>•</li> <li>• 2. The Commission shall be empowered to adopt delegated acts in accordance with Article 139 concerning rules establishing the cases where and the conditions under which the CHED must accompany consignments of the categories of animals and goods referred to in Article 45(1) to the place of destination.</li> </ul> | <b>AMD 171</b><br>2. The Commission shall be empowered to adopt delegated acts in accordance with Article 139 concerning rules establishing the cases where and the conditions under which the CHED must accompany consignments of the categories of animals and goods referred to in Article 45(1) to the place of destination. <i>A copy of the CHED shall in any case</i> | <del>2. The Commission shall be empowered to adopt delegated acts in accordance with Article 139 concerning rules establishing the cases where and the conditions under which the CHED must accompany consignments of the categories of animals and goods referred to in Article 45(1) to the place of destination.</del> | <b>Not acceptable</b> |



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|   | <i>accompany consignments of the categories of animals and goods referred to in Article 45(1) to the place of destination.</i> |  |  |
| <i>Article 57</i><br><i>Designation of border control posts</i>   | <i>Article 57</i><br><i>Designation of border control posts</i>  | <i>Article 57</i><br><i>Designation of border control posts</i>  |  |
| <ul style="list-style-type: none"> <li>1. Member States shall designate border control posts for the purpose of performing official controls on one or more of the categories of animals and goods referred to in Article 45(1).</li> </ul>   |  | 1. Member States shall designate border control posts for the purpose of performing official controls on one or more of the categories of animals and goods referred to in Article 45(1).  |  |
| <ul style="list-style-type: none"> <li>2. Member States shall notify the Commission at least three months before designating a border control post. That notification shall include all the information necessary for the Commission to verify that the proposed border control post complies with the minimum requirements laid down in Article 62.</li> </ul> |  | 2. Member States shall notify the Commission <del>at least three months</del> before designating a border control post. That notification shall include all the information necessary for the Commission to verify that the proposed border control post complies with the minimum requirements laid down in Article 62. |  |
| <ul style="list-style-type: none"> <li>3. Within three months of receiving the notification referred to in paragraph 2, the Commission shall inform the Member State:</li> </ul>  |  | 3. Within three months of receiving the notification referred to in paragraph 2, the Commission shall inform the Member State:   |  |
| (a) whether the designation of the proposed border control post is dependent upon the favourable outcome of a control   |  | (a) whether the designation of the proposed border control post is dependent upon the favourable outcome of a control performed by Commission  |  |

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| performed by Commission experts in accordance with Article 115 in order to verify compliance with the minimum requirements laid down in Article 62;              |  | experts in accordance with Article 115 in order to verify compliance with the minimum requirements laid down in Article 62;   |  |
| (b) of the date of such a control.   |  | (b) of the date of such a control <b>which shall be not later than six months from the notification.</b>  |  |
| •  |  | 3a. In cases where the Commission has informed a Member State, in accordance with paragraph 3(a), that <del>a favourable outcome of</del> a control is not necessary, the Member State may proceed with the designation.  |  |
| • 4. The Member State shall delay designating the border control post until the favourable outcome of the control has been communicated to it by the Commission. |  | 4. The Member State shall delay designating the border control post until the favourable outcome of the control has been communicated to it by the Commission. <b>The Commission shall communicate the results of its control referred to in paragraph 3 at the latest within three months from the date of that control.</b> |  |

| <i>Article 58</i><br><i>Listing of border control posts</i>  | <i>Article 58</i><br><i>Listing of border control posts</i> | <i>Article 58</i><br><i>Listing of border control posts</i>  |  |
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| • 1. Each Member State shall make available on the Internet up-to-date lists of border control posts on its territory, providing the following information for each border control post: |   | 1. Each Member State shall make available on the Internet up-to-date lists of border control posts on its territory, providing the following information for each border control post: |  |
| (a) its contact details and opening hours;   |   | (a) its contact details <del>and opening hours;</del>  |  |
|  |   | <b>(aa) its opening hours;</b>   |  |
| (b) its exact location and whether it is a port, airport, rail or road entry point;  |   | (b) its exact location and whether it is a port, airport, rail or road entry point;  |  |
| (c) the categories of animals and goods referred to in Article 45(1) which are included in the scope of its designation;   |   | (c) the categories of animals and goods referred to in Article 45(1) which are included in the scope of its designation;   |  |
| (d) the equipment and premises available for performing official controls on each of the categories of animals and goods for which it is designated;                                     |   | <del>(d) the equipment and premises available for performing official controls on each of the categories of animals and goods for which it is designated;</del>                        |  |
| (e) the volume of the animals and goods handled per calendar year for each of the categories of animals and goods referred to in Article 45(1) for which it is designated.               |   | <del>(e) the volume of the animals and goods handled per calendar year for each of the categories of animals and goods referred to in Article 45(1) for which it is designated.</del>  |  |

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| <ul style="list-style-type: none"> <li>2. The Commission shall, by means of implementing acts, establish the format, categories, abbreviations for designations and other information to be used by Member States in the lists of border control posts.</li> </ul>   |  | <ul style="list-style-type: none"> <li>2. The Commission shall, by means of implementing acts, establish the format, categories, abbreviations for designations and other information to be used by Member States in the lists of border control posts.</li> </ul>  |  |
| Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 141(2).   |  | Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 141(2).  |  |
| <i>Article 59</i><br><i>Withdrawal of approvals for, and re-designation of, existing border control entities</i>   | <i>Article 59</i><br><i>Withdrawal of approvals for, and re-designation of, existing border control entities</i> | <i>Article 59</i><br><i>Withdrawal of approvals for, and re-designation of, existing border control entities</i>  |  |
| <ul style="list-style-type: none"> <li>1. The approval of border inspection posts in accordance with Article 6 of Council Directive 97/78/EC and Article 6 of Council Directive 91/496/EEC and the designation of points of entry in accordance with Article 5 of Regulation (EC) No 669/2009 and with Article 13(c)(4) of Council Directive 2000/29/EC shall be withdrawn.</li> </ul> |  | <ul style="list-style-type: none"> <li>1. The approval of border inspection posts in accordance with Article 6 of Council Directive 97/78/EC and Article 6 of Council Directive 91/496/EEC, <del>and</del> the designation of points of entry in accordance with Article 5 of Regulation (EC) No 669/2009 and with Article 13(c)(4) of Council Directive 2000/29/EC <b>and the designation of first points of introduction in accordance with Article 5 of Regulation (EU) No 284/2011</b> shall be withdrawn.</li> </ul> |  |
| <ul style="list-style-type: none"> <li>2. Member States may re-designate border inspection</li> </ul>  |  | <ul style="list-style-type: none"> <li>2. Member States may re-designate border inspection posts,</li> </ul>  |  |

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| posts, designated points of entry and points of entry referred to in paragraph 1 as border control posts in accordance with Article 57(1) provided that the minimum requirements referred to in Article 62 are complied with. |   | designated points of entry, <del>and</del> points of entry and <b>first points of introduction</b> referred to in paragraph 1 as border control posts in accordance with Article 57(1) provided that the minimum requirements referred to in Article 62 are complied with. |  |
| <ul style="list-style-type: none"> <li>3. Article 57(2) and (3) shall not apply to the re-designation referred to in paragraph 2.</li> </ul>  |   | 3. Article 57(2), <del>and</del> (3) <b>and (4)</b> shall not apply to the re-designation referred to in paragraph 2.  |  |
| <i>Article 60</i><br><i>Withdrawal of the designation of border control posts</i>   | <i>Article 60</i><br><i>Withdrawal of the designation of border control posts</i> | <i>Article 60</i><br><i>Withdrawal of the designation of border control posts</i>  |  |
| <ul style="list-style-type: none"> <li>1. Where border control posts cease to comply with the requirements referred to in Article 62, the Member States shall:</li> </ul>   |   | 1. Where border control posts cease to comply with the requirements referred to in Article 62, the Member States shall:  |  |
| (a) withdraw the designation provided for in Article 57(1) for all or for certain categories of animals and goods for which the designation was made;   |   | (a) withdraw the designation provided for in Article 57(1) for all or for certain categories of animals and goods for which the designation was made;  |  |
| (b) remove them from the lists referred to in Article 58(1), for the categories of animals and goods for which the designation is withdrawn.  |   | (b) remove them from the lists referred to in Article 58(1), for the categories of animals and goods for which the designation is withdrawn.   |  |
| <ul style="list-style-type: none"> <li>2. Member States shall inform the Commission and the</li> </ul>  |   | 2. Member States shall inform the Commission and the other   |  |

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| other Member States of the withdrawal of the designation of a border control post as provided for in paragraph 1 and of the reasons for such withdrawal.  |   | Member States of the withdrawal of the designation of a border control post as provided for in paragraph 1 and of the reasons for such withdrawal.   |  |
| <ul style="list-style-type: none"> <li>3. The Commission shall be empowered to adopt delegated acts in accordance with Article 139 concerning the cases where, and the procedures by which, border control posts whose designation has only been partially withdrawn in accordance with point (a) of paragraph 1 may be re-designated by derogation from the provisions of Article 57.</li> </ul> |   | <p>3. The Commission shall be empowered to adopt delegated acts in accordance with Article 139 concerning the cases where, and the procedures by which, border control posts whose designation has only been partially withdrawn in accordance with point (a) of paragraph 1 may be re-designated by derogation from the provisions of Article 57.</p> |  |
|   |   | <p>4. <b>This Article shall be without prejudice to Member States' competence to decide on the withdrawal of designation of border control posts for other reasons than those referred to in this Regulation.</b></p>  |  |
| <i>Article 61</i><br><i>Suspension of the designation of border control posts</i>   | <i>Article 61</i><br><i>Suspension of the designation of border control posts</i> | <i>Article 61</i><br><i>Suspension of the designation of border control posts</i>  |  |

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| <ul style="list-style-type: none"> <li>1. A Member State shall immediately suspend the designation of a border control post and order its activities to be stopped, for all or for certain categories of animals and goods for which the designation was made, in cases where such activities may result in a risk to human, animal or plant health, animal welfare <i>or, as regards GMOs and plant protection products</i>, to the environment.</li> </ul> | <b>AMD 172</b><br>1. A Member State shall immediately suspend the designation of a border control post and order its activities to be stopped, for all or for certain categories of animals and goods for which the designation was made, in cases where such activities may result in a risk to human, animal or plant health <i>or</i> animal welfare, to the environment. | 1. A Member State shall <del>immediately</del> suspend the designation of a border control post and order its activities to be stopped, for all or for certain categories of animals and goods for which the designation was made, in cases where such activities may result in a risk to human, animal or plant health, animal welfare or, as regards GMOs and plant protection products, to the environment. <b>In case of a serious risk, the suspension shall be immediate.</b> | <b>Not acceptable</b> |
| <ul style="list-style-type: none"> <li>2. Member States shall immediately inform the Commission and the other Member States of any suspension of the designation of a border control post and the reasons for such a suspension.</li> </ul>  |  | 2. Member States shall immediately inform the Commission and the other Member States of any suspension of the designation of a border control post and the reasons for such a suspension.   |                       |
| <ul style="list-style-type: none"> <li>3. Member States shall indicate the suspension of the designation of a border control post in the lists referred to in Article 58(1).</li> </ul>  |  | 3. Member States shall indicate the suspension of the designation of a border control post in the lists referred to in Article 58(1).   |                       |
| <ul style="list-style-type: none"> <li>4. Member States shall remove the suspension provided for in paragraph 1 as soon as:</li> </ul>   |  | 4. Member States shall remove the suspension provided for in paragraph 1 as soon as:  |                       |
| <ul style="list-style-type: none"> <li>(a) the competent authorities are satisfied that the risk referred to in paragraph 1</li> </ul>   |  | <ul style="list-style-type: none"> <li>(a) the competent authorities are satisfied that the risk referred to in paragraph 1 no longer</li> </ul>  |                       |

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| no longer exists;  |   | exists;  |  |
| (b) they have communicated to the Commission and to the other Member States the information on the basis of which the suspension is removed.   |   | (b) they have communicated to the Commission and to the other Member States the information on the basis of which the suspension is removed.   |  |
| <ul style="list-style-type: none"> <li>5. The Commission may, by means of implementing acts, establish procedures for the exchanges of information and communications referred to in paragraph 2 and in point (b) of paragraph 4.</li> </ul> |   | <del>5. The Commission may, by means of implementing acts, establish procedures for the exchanges of information and communications referred to in paragraph 2 and in point (b) of paragraph 4..</del>         |  |
| Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 141(2).   |   | <del>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 141(2).</del>  |  |
|  |   | <b>6. This Article shall be without prejudice to Member States' competence to decide on the suspension of designation of border control posts for other reasons than those referred to in this Regulation.</b> |  |
| <i>Article 62</i><br><i>Minimum requirements for border control posts</i>  | <i>Article 62</i><br><i>Minimum requirements for border control posts</i> | <i>Article 62</i><br><i>Minimum requirements for border control posts</i>  |  |



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| <ul style="list-style-type: none"> <li>1. Border control posts shall be located in the immediate vicinity of the point of entry into the Union and in a place suitably equipped <i>to be designated by the customs authorities</i> in accordance with Article 38(1) of Regulation (EEC) No 2913/92.</li> </ul>                                  | <b>AMD 173</b><br>1. Border control posts shall be located in the immediate vicinity of the point of entry into the Union and in a place <i>that is</i> suitably equipped, in accordance with Article 38(1) of Regulation (EEC) No 2913/92. | 1. Border control posts shall be located in the immediate vicinity of the point of entry into the Union and in a place <b>which is suitably equipped to be</b> designated by the customs authorities in accordance with Article 38(1) of Regulation (EEC) No 2913/92 <b>or in a free zone.</b>  | <b>Not acceptable</b> |
| <ul style="list-style-type: none"> <li>2. The Commission shall be empowered to adopt delegated acts in accordance with Article 139 concerning the cases where and conditions under which a border control post can be situated at a certain distance from the point of entry into the Union given specific geographical constraints.</li> </ul> |   | 2. The Commission shall be empowered to adopt delegated acts in accordance with Article 139 concerning the cases where and conditions under which a border control post <del>may can</del> be situated at a <del>certain</del> distance <b>other than in the immediate vicinity of from</b> the point of entry into the Union <b>in cases of given</b> specific geographical constraints. |                       |
| <ul style="list-style-type: none"> <li>3. Border control posts shall have:</li> </ul>   |   | 3. Border control posts shall have:   |                       |
| (a) a sufficient number of suitably qualified staff;  |   | (a) a sufficient number of suitably qualified staff;  |                       |
| (b) premises appropriate for the nature and volume of the categories of animals and goods handled;  |   | (b) premises <b>or other facilities</b> appropriate for the nature and volume of the categories of animals and goods handled;   |                       |
| (c) equipment and premises to allow the performance of official controls for each of the categories of  |   | (c) equipment and premises <b>or other facilities</b> to allow the performance of official controls for each of the categories of   |                       |

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| animals and goods for which the border control post has been designated;  |  | animals and goods for which the border control post has been designated;  |  |
| (d) arrangements in place to guarantee, as appropriate, access to any other equipment, premise and service necessary to apply the measures taken in accordance with Articles 63, 64 and 65 in cases of suspicion, non-compliant consignments or consignments presenting a risk; |  | (d) arrangements in place to guarantee, as appropriate, access to any other equipment, premise and service necessary to apply the measures taken in accordance with Articles 63, 64 and 65 in cases of suspicion, non-compliant consignments or consignments presenting a risk; |  |
| (e) contingency arrangements to ensure the smooth operation of official controls and the effective application of the measures taken in accordance with Articles 63, 64 and 65 in cases of unforeseeable and unexpected conditions or events;                                   |  | (e) contingency arrangements to ensure the smooth operation of official controls and the effective application of the measures taken in accordance with Articles 63, 64 and 65 in cases of <del>unforeseeable</del> and unexpected conditions or events;                        |  |
| (f) the technology and equipment necessary for the efficient operation of the TRACES system and, as appropriate, of other computerised information management systems necessary for the handling and exchange of data and   |  | (f) the technology and equipment necessary for the efficient operation of the <del>TRACES</del> <b>integrated computerised</b> system <b>referred to in Article 130(1)</b> and, as appropriate, of other computerised information management systems necessary                  |  |

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| information;   |  | for the handling and exchange of data and information;  |  |
| (g) access to the services of official laboratories capable of providing analytical, testing and diagnostic results within appropriate deadlines and equipped with the information technology tools necessary to ensure the introduction of the results of analyses, tests or diagnoses carried out into the TRACES system as appropriate; |  | (g) access to the services of official laboratories capable of providing analytical, testing and diagnostic results within appropriate deadlines <del>and equipped with the information technology tools necessary to ensure the introduction of the results of analyses, tests or diagnoses carried out into the TRACES system as appropriate;</del> |  |
| (h) appropriate arrangements for the proper handling of different categories of animals and goods and to prevent risks which may result from cross-contamination;  |  | (h) appropriate arrangements for the proper handling of different categories of animals and goods and to prevent risks which may result from cross-contamination;   |  |
| (i) arrangements to comply with relevant biosecurity standards in order to prevent the spread of diseases into the Union.  |  | (i) arrangements to comply with relevant biosecurity standards in order to prevent the spread of diseases into the Union.   |  |
| <ul style="list-style-type: none"> <li>4. The Commission may, by means of implementing acts, detail the requirements laid down in paragraph 3 to take into account specific features and logistic needs related to the performance of official controls</li> </ul>   |  | 4. The Commission may, by means of implementing acts, detail the requirements laid down in paragraph 3 to take into account specific features and logistic needs related to the performance of official controls and to the   |  |

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| and to the application of the measures taken in accordance with Article 64(3) and (5) and Article 65 in relation to the different categories of animals and goods referred to in Article 45(1). |  | application of the measures taken in accordance with Article 64(3) and (5) and Article 65 in relation to the different categories of animals and goods referred to in Article 45(1).   |  |
| Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 141(2).  |  | Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 141(2).   |  |
|   |  | <b>5. The Commission shall adopt delegated acts in accordance with Article 139 concerning the cases and conditions under which border control posts designated for the imports of unprocessed logs and sawn and chipped wood may be exempted from one or more of the obligations referred to in paragraph 3 and Article 47(1) to take into account the needs of competent authorities in charge of official controls operating under specific geographical constraints, while ensuring the proper performance of the controls.</b> |  |

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| <b>SECTION III</b><br><b>ACTION IN CASE OF SUSPICION OF</b><br><b>NON-COMPLIANCE AND OF NON-</b><br><b>COMPLIANCE OF ANIMALS AND</b><br><b>GOODS</b><br><b>FROM THIRD COUNTRIES</b>   | <b>SECTION III</b><br><b>ACTION IN CASE OF SUSPICION OF</b><br><b>NON-COMPLIANCE AND OF NON-</b><br><b>COMPLIANCE OF ANIMALS AND</b><br><b>GOODS</b><br><b>FROM THIRD COUNTRIES</b>   | <b>SECTION III</b><br><b>ACTION IN CASE OF SUSPICION OF</b><br><b>NON-COMPLIANCE AND OF NON-</b><br><b>COMPLIANCE OF ANIMALS AND</b><br><b>GOODS ENTERING THE UNION</b><br><b><del>FROM THIRD COUNTRIES</del></b>  |                       |
| <i>Article 63</i><br><i>Suspicion of non-compliance and</i><br><i>intensified official controls</i>   | <i>Article 63</i><br><i>Suspicion of non-compliance and</i><br><i>intensified official controls</i>   | <i>Article 63</i><br><i>Suspicion of non-compliance and</i><br><i>intensified official controls</i>  |                       |
| <ul style="list-style-type: none"> <li>1. In case of suspicion of non-compliance of consignments of the categories of animals and goods referred to in Article 45(1) with the rules referred to in Article 1(2), the competent authorities shall perform official controls in order to confirm or to eliminate that suspicion.</li> </ul> | <p><b>AMD 174</b></p> <p>1. In case of suspicion of non-compliance of consignments of the categories of animals and goods referred to in Article 45(1) with the rules referred to in Article 1(2), the competent authorities shall perform official controls <i>or delegate the responsibility to other competent authorities</i> in order to confirm or to eliminate that suspicion.</p> | <p>1. In case of suspicion of non-compliance of consignments of the categories of animals and goods referred to in Articles <b>42(1) and 45(1)</b> with the rules referred to in Article 1(2), the competent authorities shall perform official controls in order to confirm or to eliminate that suspicion.</p> | <b>Not acceptable</b> |
| <ul style="list-style-type: none"> <li>2. Consignments of animals and goods which are not declared by operators to consist of the categories of animals and goods referred to in Article 45(1), shall be subject to official controls by the competent</li> </ul>   |   | <p>2. Consignments of animals and goods which are not declared by operators—to consist of the categories of animals and goods referred to in Article 45(1), shall be subject to official controls by the competent authorities where there is reason to believe that</p>   |                       |

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| authorities where there is reason to believe that such categories of animals or goods are present in the consignment.  |   | such categories of animals or goods are present in the consignment.  |                       |
| <ul style="list-style-type: none"> <li>3. The competent authorities shall place the consignments referred to in paragraphs 1 and 2 under official detention until they obtain the results of the official controls provided for in those paragraphs.</li> </ul>  |   | 3. The competent authorities shall place the consignments referred to in paragraphs 1 and 2 under official detention <b>pending until</b> <del>they obtain</del> the results of the official controls provided for in those paragraphs.  |                       |
| Where appropriate, those consignments shall be isolated or quarantined and animals shall be sheltered, fed, watered and treated pending the results of the official controls.  |   | Where appropriate, those consignments shall be isolated or quarantined and animals shall be sheltered, fed, watered and <b>as necessary</b> treated pending the results of the official controls.  |                       |
| <ul style="list-style-type: none"> <li>4. Where the competent authorities have reasons to suspect fraudulent behaviour by an operator or official controls give grounds to believe that the rules referred to in Article 1(2) have been seriously or repeatedly infringed, they shall, <b>where appropriate, and</b> in addition to the measures provided for in Article 64(3),</li> </ul> | <b>AMD 175</b><br>4. Where the competent authorities have reasons to suspect fraudulent behaviour by an operator or official controls give grounds to believe that the rules referred to in Article 1(2) have been seriously or repeatedly infringed, they shall, in addition to the measures provided for in Article 64(3), intensify official | 4. Where the competent authorities have reasons to suspect fraudulent behaviour by an operator or official controls give grounds to believe that the rules referred to in Article 1(2) have been seriously or repeatedly infringed, they shall, where appropriate, and in addition to the measures provided for in Article 64(3), intensify official | <b>Not acceptable</b> |

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| intensify official controls on consignments with the same origin or use as appropriate.   | controls on consignments with the same origin or use. | controls on consignments with the same origin or use as appropriate.  |  |
| <ul style="list-style-type: none"> <li>5. The competent authorities shall notify the Commission and the Member States through the TRACES system of their decision to perform intensified official controls, as provided for in paragraph 4, indicating the purported fraudulent behaviour or serious or repeated infringement.</li> </ul> |   | 5. The competent authorities shall notify the Commission and the Member States through the <del>TRACES</del> <b>integrated computerised</b> system <b>referred to in Article 130 (1)</b> of their decision to perform intensified official controls, as provided for in paragraph 4, indicating the <b>reasons for their decision.</b> <del>purported fraudulent behaviour or serious or repeated infringement.</del> |  |
| <ul style="list-style-type: none"> <li>6. The Commission shall, by means of implementing acts, establish procedures for the coordinated performance by competent authorities of the intensified official controls referred to in paragraphs 4 and 5.</li> </ul>   |   | 6. The Commission shall, by means of implementing acts, establish procedures for the coordinated performance by competent authorities of the intensified official controls referred to in paragraphs 4 and 5.   |  |
| Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 141(2).  |   | Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 141(2).  |  |

| Article 64<br>Measures to be taken in cases of non-compliant consignments entering the Union from third countries  | Article 64<br>Measures to be taken in cases of non-compliant consignments entering the Union from third countries  | Article 64<br>Measures to be taken in cases of non-compliant consignments entering the Union <del>from third</del> countries  |  |
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| <ul style="list-style-type: none"> <li>1. <i>The competent authorities shall place under official detention any consignment of animals or goods entering the Union from third countries which does not comply with the rules referred to in Article 1(2) and refuse entry into the Union to it.</i></li> </ul> | <p><b>AMD 176</b></p> <p><i>When the competent authority ascertains as a result of the official controls performed at the border control posts in accordance with Article 45, that consignments of animals and goods do not comply with the requirements under Article 1(2), it shall issue a report or a decision: ‘Non-compliant consignment’ or ‘Negative control’ which shall be recorded in the CHED. Furthermore the competent authorities shall officially detain said consignment of animals or goods and refuse entry into the Union to it.</i></p> | <p>1. The competent authorities shall place under official detention any consignment of animals or goods entering the Union <del>from third countries</del> which does not comply with the rules referred to in Article 1(2) and refuse entry into the Union to it.</p> | <p><b>Not acceptable as for all animals or goods not only Article 45(1) applies.</b></p> |
| <p>As appropriate, any such consignment shall be isolated or quarantined and animals belonging to it shall be kept and treated under appropriate</p>   | <p><b>AMD 177</b></p> <p>As appropriate, any such consignment <i>or part thereof</i> shall be isolated or quarantined and animals belonging to it shall be kept and treated under appropriate conditions pending any further decision. <i>The special needs of</i></p>   | <p>As appropriate, any such consignment shall be isolated or quarantined and animals or belonging to it shall be kept, <del>and</del> <b>cared or</b> treated under appropriate conditions pending any further decision.</p>  | <p><b>Not acceptable; it is ‘as appropriate’</b></p>                                     |



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| conditions pending any further decision.   | <i>other goods shall also be borne in mind.</i>  |   |   |
| <ul style="list-style-type: none"> <li>2. The Commission shall, by means of implementing acts, lay down the modalities for the isolation and quarantine provided for in the second subparagraph of paragraph 1.</li> </ul> |  | 2. The Commission shall, by means of implementing acts, lay down the modalities for the isolation and quarantine provided for in the second subparagraph of paragraph 1.  |   |
| Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 141(2).   |  | Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 141(2).  |   |
| 3. <i>Having, where possible, heard</i> the operator responsible for the consignment, <i>the competent authorities</i> shall, without delay, order that the operator:  | <b>AMD 178</b><br>3. <i>The competent authorities shall hear</i> the operator responsible for the consignment. <i>The competent authority may omit this if an immediate decision is necessary either because a delay would be dangerous or in the public interest. It</i> shall, without delay, order that the operator: | 3. <b>The competent authority</b> <del>Having, where possible, heard the operator responsible for the consignment, the competent authorities shall, as regards the</del> <b>consignment referred to in paragraph 1 order,</b> without delay, <del>order</del> that the operator <b>responsible for the consignment:</b> | <b>Not acceptable but covered by the last paragraph of this paragraph (3)</b> |
| (a) destroy the consignment in compliance, where appropriate, with the rules referred to in Article 1(2); or   | <b>AMD 179</b><br>a) destroy the consignment <i>or part thereof, humanely in the case of live animals,</i> in compliance, where appropriate, with the rules referred to in Article 1(2); or  | (a) destroy the consignment in compliance, <del>where appropriate</del> with the rules referred to in Article 1(2); or  | <b>Not acceptable; this is mandatory by animal welfare rules</b>              |

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| (b) re-dispatch the consignment outside the Union in accordance with Article 70(1) and (2); or  | <b>AMD 180</b><br>b) re-dispatch the consignment <i>or part thereof</i> outside the Union in accordance with Article 70(1) and (2); or  | (b) re-dispatch the consignment outside the Union in accordance with Article 70(1) and (2); or  | <b>Not acceptable</b> |
| (c) subject the consignment to special treatment in accordance with Article 69(1) and (2) or to any other measure necessary to ensure compliance with the rules referred to in Article 1(2), and, where appropriate, destines the consignment for purposes other than those for which it was originally intended. | <b>AMD 181</b><br>c) subject the consignment <i>or part thereof</i> to special treatment in accordance with Article 69(1) and (2) or to any other measure necessary to ensure compliance with the rules referred to in Article 1(2), and, where appropriate, destines the consignment for purposes other than those for which it was originally intended. | (c) subject the consignment to special treatment in accordance with Article 69(1) and (2) or to any other measure necessary to ensure compliance with the rules referred to in Article 1(2), and, where appropriate, destines the consignment for purposes other than those for which it was originally intended.                               | <b>Not acceptable</b> |
| •   |   | <b>When the consignment consists of plants, plants products or others objects, points (a), (b) and (c) of this paragraph shall be applied either to the consignment or to lots thereof.</b>   |                       |
| •   |   | <b>Before ordering the operator to take action in accordance with (a) to (c), the competent authority shall hear the operator concerned, unless immediate action is necessary in order to respond to a risk to human, animal or plant health, animal welfare or as regards the GMOs and plant protection products, also to the environment.</b> |                       |

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| <ul style="list-style-type: none"> <li>4. The competent authorities shall immediately notify any decision to refuse entry of a consignment as provided for in paragraph 1 and any order issued pursuant to paragraphs 3 and 5 and Article 65 to:</li> </ul> |  | 4. The competent authorities shall immediately notify any decision to refuse entry of a consignment as provided for in paragraph 1 and any order issued pursuant to paragraphs 3 and 5 and Article 65 to: |  |
| (a) the Commission;   |  | (a) the Commission;   |  |
| (b) the competent authorities of the other Member States;   |  | (b) the competent authorities of the other Member States;   |  |
| (c) the customs authorities;  |  | (c) the customs authorities;  |  |
| (d) the competent authorities of the third country of origin;   |  | (d) the competent authorities of the third country of origin;   |  |
| (e) the operator responsible for the consignment.   |  | (e) the operator responsible for the consignment.   |  |
| That notification shall be performed via the computerised information management system referred to in Article 130(1).  |  | That notification shall be performed via the computerised information management system referred to in Article 130(1).  |  |
| <ul style="list-style-type: none"> <li>5. If a consignment of the categories of animals or goods referred to in Article 45(1) is not presented for the official controls referred to in that Article, or is not presented in accordance with the</li> </ul> |  | 5. If a consignment of the categories of animals or goods referred to in Article 45(1) is not presented for the official controls referred to in that Article, or is not presented in accordance with the |  |

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| requirements laid down in Articles 48(1) and (3), 54(1), (2) and (3), or with the rules adopted pursuant to Articles 46, 47(6), 49, 51(1) and 56, the competent authorities shall order that it be retained or recalled, and placed under official detention without delay. |   | requirements laid down in Articles 48(1) and (3), 54(1), (2) and (3), or with the rules adopted pursuant to Articles 46, 47(6), 49, 51(1) and 56, the competent authorities shall order that it be retained or recalled, and placed under official detention without delay. |  |
| Paragraphs 1, 3 and 4 of this Article shall apply to such consignments.   |   | Paragraphs 1, 3 and 4 of this Article shall apply to such consignments.   |  |
|   |   | <b>5a. The measures referred to in this Article shall be applied at the expense of the operator responsible for the consignment.</b>  |  |
| <i>Article 65</i>   | <i>Article 65</i>   | <i>Article 65</i>   |  |
| <i>Measures to be taken on animals or goods entering the Union from third countries presenting a risk</i>   | <b>AMD 182</b><br><i>Measures to be taken in cases of an attempt to bring non-compliant consignments into the EU</i> from third countries presenting a risk | <i>Measures to be taken on animals or goods entering the Union from third countries presenting a risk</i>   | <b>Not acceptable; it is in cases of consignment presenting a risk , and not cases of non-compliant consignment.</b> |
| Where official controls indicate that a consignment of animals or goods presents a risk to human, animal <b>or</b>  | <b>AMD 183</b><br>Where official controls indicate that a consignment of animals or goods presents a risk to human <b>or</b> animal                         | Where official controls indicate that a consignment of animals or goods presents a risk to human, animal or   | <b>Acceptable as reworded.</b>   |

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| <p><b>plant</b> health, animal welfare or, <i>as regards GMOs and plant protection products</i>, to the environment, such consignment shall be isolated or quarantined and animals belonging to it shall be kept and treated under appropriate conditions pending any further decision.</p> | <p>health, animal welfare or to the environment, such consignment shall be isolated or quarantined and animals belonging to it shall be kept and treated under appropriate conditions pending any further decision.</p>  | <p>plant health, animal welfare or, as regards GMOs and plant protection products, <b>also</b> to the environment, such consignment shall be isolated or quarantined and animals belonging to it shall be kept, <b>cared or</b> treated under appropriate conditions pending any further decision.</p> |   |
| <p>The competent authorities shall retain the consignment in question under official detention and shall, without delay:</p>  |  | <p>The competent authorities shall retain the consignment in question under official detention and shall, without delay, <b>order that the operator responsible for that consignment:</b></p>  |   |
| <p>(a) order that the operator destroy the consignment in compliance, where appropriate, with the rules referred to in Article 1(2), taking all the measures necessary to protect human, animal or plant health, animal welfare or the environment; or</p>                                  | <p><b>AMD 184</b><br/>(a) order that the operator destroy the consignment, <b><i>humanely in the case of live animals</i></b>, in compliance, where appropriate, with the rules referred to in Article 1(2), taking all the measures necessary to protect human, animal or plant health, animal welfare or the environment; or</p> | <p>(a) <del>order that the operator</del> destroy the consignment in compliance, <del>where appropriate,</del> with the rules referred to in Article 1(2), taking all the measures necessary to protect human, animal or plant health, animal welfare or the environment; or</p>                       | <p><b>Not acceptable; this is mandatory by animal welfare rules</b></p> |
| <p>(b) subject the consignment to special treatment in accordance with Article 69(1) and (2).</p>   |  | <p><b>(b)</b> subject the consignment to special treatment in accordance with Article 69(1) and (2).</p>   |   |

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|   |  | <b>The measures referred to in this Article shall be applied at the expense of the operator responsible for the consignment.</b>  |                       |
| <i>Article 66</i><br><i>Follow up of decisions taken in relation to non-compliant consignments entering the Union from third countries</i>  | <i>Article 66</i><br><i>Follow up of decisions taken in relation to non-compliant consignments entering the Union from third countries</i> | <i>Article 66</i><br><i>Follow up of decisions taken in relation to non-compliant consignments entering the Union from third countries</i>  |                       |
| • 1. The competent authorities shall:   |  | 1. The competent authorities shall:   |                       |
| (a) invalidate the official certificates and other documents accompanying consignments which have been subject to measures pursuant to Article 64(3) and (5) and Article 65;  |  | (a) invalidate the official certificates and <b>as appropriate</b> other <b>relevant</b> documents accompanying consignments which have been subject to measures pursuant to Article 64(3) and (5) and Article 65;            |                       |
| (b) cooperate in accordance with Title IV to take any further measures necessary to ensure that it is not possible to reintroduce consignments into the Union which have been refused entry in accordance with Article 64(1). |  | (b) cooperate in accordance with Title IV to take any further measures necessary to ensure that it is not possible to reintroduce consignments into the Union which have been refused entry in accordance with Article 64(1). |                       |
| • 2. The competent authorities in the Member State where the official controls were performed   | <b>AMD 185</b><br><br>The competent authorities in the Member State where the official   | 2. The competent authorities in the Member State where the official controls were performed shall supervise the application of the  | <b>Not acceptable</b> |

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| shall supervise the application of the measures ordered pursuant to Article 64(3) and (5) and Article 65 to ensure that the consignment does not give rise to adverse effects on human, animal <i>or plant</i> health, animal welfare, or the environment, during or pending the application of those measures.   | controls were performed shall supervise the application of the measures ordered pursuant to Article 64(3) and (5) and Article 65 to ensure that the consignment does not give rise to adverse effects on human <i>or</i> animal health, animal welfare, or the environment, during or pending the application of those measures. | measures ordered pursuant to Article 64(3) and (5) and Article 65 to ensure that the consignment does not give rise to adverse effects on human, animal or plant health, animal welfare, or the environment, during or pending the application of those measures.  |  |
| Where appropriate, such application shall be completed under the supervision of the competent authorities of another Member State.  |  | Where appropriate, such application shall be completed under the supervision of the competent authorities of another Member State.   |  |
| <i>Article 67</i><br><i>Failure by the operator to apply the measures ordered by the competent authorities</i>  | <i>Article 67</i><br><i>Failure by the operator to apply the measures ordered by the competent authorities</i>   | <i>Article 67</i><br><i>Failure by the operator to apply the measures ordered by the competent authorities</i>   |  |
| <ul style="list-style-type: none"> <li>1. The operator shall carry out all the measures ordered by the competent authorities in accordance with Article 64 (3) and (5) and 65 without delay and, at the latest, within 60 days from the day on which the competent authorities notified the operator of their decision in accordance with Article 64(4).</li> </ul> | <b>AMD 186</b><br>1. The operator shall carry out all the measures ordered by the competent authorities in accordance with Article 64 (3) and (5) and 65 without delay and, at the latest, <i>in the case of products</i> , within 60 days from the day on which the competent authorities notified the operator                 | 1. The operator <b>responsible for the consignment</b> shall carry out all the measures ordered by the competent authorities in accordance with Article 64 (3) and (5) and 65 without delay and, at the latest, within 60 days from the day on which the competent authorities notified the operator <b>concerned</b> of their | <b>Not acceptable.</b><br><br><b>This is concerning the 'consignment' and not the 'products'</b> |

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|  | of their decision in accordance with Article 64(4). | decision in accordance with Article 64(4). <b>The competent authorities may specify a shorter period than the period of 60 days.</b>   |  |
| <ul style="list-style-type: none"> <li>2. If, after the expiry of the 60-day period no action has been taken by the operator, the competent authorities shall order:</li> </ul>  |   | <ul style="list-style-type: none"> <li>2. If, after the expiry of the period <b>referred to in paragraph 1</b> <del>60-day period</del> no action has been taken by the operator <b>concerned</b>, the competent authorities shall order:</li> </ul>                     |  |
| (a) that the consignment be destroyed or subject to any other appropriate measure;   |   | (a) that the consignment be destroyed or subject to any other appropriate measure;   |  |
| (b) in the cases referred to in Article 65, that the consignment be destroyed in suitable facilities located as close as possible to the border control post, taking all measures necessary to protect human, animal or plant health, animal welfare or the environment. |   | (b) in the cases referred to in Article 65, that the consignment be destroyed in suitable facilities located as close as possible to the border control post, taking all measures necessary to protect human, animal or plant health, animal welfare or the environment. |  |
| <ul style="list-style-type: none"> <li>3. The competent authorities may extend the period referred to in paragraphs 1 and 2 of this Article for the time necessary to obtain the results of the second expert opinion referred to in</li> </ul>                          |   | <ul style="list-style-type: none"> <li>3. The competent authorities may extend the period referred to in paragraphs 1 and 2 of this Article for the time necessary to obtain the results of the second</li> </ul>  |  |



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| Article 34, provided that this is without adverse effects to human, animal and plant health, animal welfare and, as regards GMOs and plant protection products, to the environment.   |  | expert opinion referred to in Article 34, provided that this is without adverse effects to human, animal and plant health, animal welfare and, as regards GMOs and plant protection products, to the environment.  |  |
|   |  | <b>4. The measures referred to in this Article shall be applied at the expense of the operator responsible for the consignment.</b>  |  |
| <i>Article 68</i><br><i>Consistency of application of Articles 64 and 65</i>  | <i>Article 68</i><br><i>Consistency of application of Articles 64 and 65</i> | <i>Article 68</i><br><i>Consistency of application of Articles 64, 65 and 665</i>  |  |
| The Commission shall, by means of implementing acts, lay down rules to ensure consistency across all border control posts referred to in Article 57(1) and control points referred to in in point (a) of Article 51(1) of decisions and measures taken and orders issued by the competent authorities pursuant to Articles 64 and 65, in the form of instructions to be followed by the competent authorities when responding to common or recurring situations of non-compliance |  | The Commission shall, by means of implementing acts, lay down rules to ensure consistency across all border control posts referred to in Article 57(1) and control points referred to in in point (a) of Article 51(1) of decisions and measures taken and orders issued by the competent authorities pursuant to Articles 64, 65 and 665, <del>in the form of instructions</del> to be followed by the competent authorities when responding to common or recurring situations of non-compliance or risk. |  |

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| or risk.  |   |   |  |
| Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 141(2).  |   | Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 141(2).  |  |
| <i>Article 69</i><br><i>Special treatment of consignments</i>   | <i>Article 69</i><br><i>Special treatment of consignments</i> | <i>Article 69</i><br><i>Special treatment of consignments</i>   |  |
| <ul style="list-style-type: none"> <li>1. The special treatment of consignments provided for in point (c) of Article 64(3) and point (b) of Article 65 may, as appropriate, include:</li> </ul>   |   | <ul style="list-style-type: none"> <li>1. The special treatment of consignments provided for in point (c) of Article 64(3) and point (b) of Article 65 may, as appropriate, include:</li> </ul>   |  |
| (a) treatment or processing, including decontamination, where appropriate, but excluding dilution, so that the consignment complies with the requirements of the rules referred to in Article 1(2), or with the requirements of a third country of re-dispatch; |   | (a) treatment or processing, including decontamination, where appropriate, but excluding dilution, so that the consignment complies with the requirements of the rules referred to in Article 1(2), or with the requirements of a third country of re-dispatch; <b>or</b> |  |
| (b) treatment in any other manner suitable for safe animal or human consumption or for purposes other than animal or human consumption.   |   | (b) treatment in any other manner suitable for safe animal or human consumption or for purposes other than animal or human consumption.   |  |
| <ul style="list-style-type: none"> <li>2. The special treatment provided for in paragraph 1</li> </ul>  |   | <ul style="list-style-type: none"> <li>2. The special treatment provided for in paragraph 1 shall:</li> </ul>   |  |

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| shall:  |  |   |  |
| (a) be carried out effectively and ensure the elimination of any risk to human, animal or plant health, animal welfare or, as regards GMOs and plant protection products, to the environment;   |  | (a) be carried out effectively and ensure the elimination of any risk to human, animal or plant health, animal welfare or, as regards GMOs and plant protection products, <b>also</b> to the environment;   |  |
| (b) be documented and carried out under the control of the competent authorities;   |  | (b) be documented and carried out under the control of the competent authorities, <b>and, where appropriate, under the control of the competent authorities of another Member State by mutual agreement;</b>  |  |
| (c) comply with the requirements laid down in the rules referred to in Article 1(2).  |  | (c) comply with the requirements laid down in the rules referred to in Article 1(2).  |  |
| <ul style="list-style-type: none"> <li>3. The Commission shall be empowered to adopt delegated acts in accordance with Article 139 concerning the requirements and the conditions in accordance with which the special treatment provided for in paragraph 1 shall take place.</li> </ul> |  | 3. The Commission shall, <b>by means of</b> <del>be empowered to adopt implementing delegated acts,</del> <b>lay down rules establishing in accordance with Article 139 concerning</b> the requirements and the conditions in accordance with which the special treatment provided for in paragraph 1 shall take place. <b>Those implementing</b> |  |

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|  |   | acts shall be adopted in accordance with the examination procedure referred to in Article 141(2).  |  |
| In the absence of rules adopted by delegated act, such special treatment shall take place in accordance with national rules.   |   | In the absence of rules adopted by <b>implementing</b> <del>delegated</del> acts, such special treatment shall take place in accordance with national rules.   |  |
| <i>Article 70</i><br><i>Re-dispatch of consignments</i>  | <i>Article 70</i><br><i>Re-dispatch of consignments</i> | <i>Article 70</i><br><i>Re-dispatch of consignments</i>  |  |
| • 1. The competent authorities shall allow the re-dispatch of consignments subject to compliance with the following conditions:  |   | 1. The competent authorities shall allow the re-dispatch of consignments subject to compliance with the following conditions:  |  |
| (a) the destination has been agreed with the operator responsible for the consignment;   |   | (a) the destination has been agreed with the operator responsible for the consignment;<br><b>and,</b>  |  |
| (b) the operator responsible for the consignment has first informed the competent authorities of the third country of origin or third country of destination, if different, of the reasons and |   | (b) the operator responsible for the consignment has <b>informed them in writing that</b> <del>first informed</del> the competent authorities of the third country of origin or third country of destination, if different, <b>have been informed</b> of the reasons |  |

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| circumstances for the refusal of the entry into the Union of the consignment of animals or goods concerned;  |  | and circumstances for the refusal of the entry into the Union of the consignment of animals or goods concerned; <b>and,</b>   |  |
| (c) where the third country of destination is not the third country of origin, the competent authorities of the third country of destination have notified the competent authorities of the Member State that they are prepared to accept the consignment; |  | (c) where the third country of destination is not the third country of origin, <del>the competent authorities of the third country of destination</del> <b>the operator has obtained the agreement of the competent authorities of that third country of destination</b> <del>they have been notified by</del> <b>and the competent authorities of the latter have notified the competent authorities of the Member State</b> that they are prepared to accept the consignment; <b>and,</b> |  |
| (d) in the case of consignments of animals the re-dispatch is in compliance with animal welfare requirements.  |  | (d) in the case of consignments of animals the re-dispatch is in compliance with animal welfare requirements.   |  |
| • 2. The conditions of points (b) and (c) of paragraph 1 shall not apply to consignments of the categories of goods referred to  |  | 2. The conditions of points (b) and (c) of paragraph 1 shall not apply to consignments of the categories of goods referred to in  |  |

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| in point (c) of Article 45(1).   |  | point (c) of Article 45(1).   |  |
| <ul style="list-style-type: none"> <li>3. The Commission shall, by means of implementing acts, specify the procedures for the information exchanges and notifications referred to in paragraph 1.<br/><br/>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 141(2).</li> </ul> |  | <del>3. The Commission shall, by means of implementing acts, specify the procedures for the information exchanges and notifications referred to in paragraph 1.<br/><br/>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 141(2).</del> |  |
|  | <b>AMD 187</b><br><br><b>Article 70 – paragraph 3 a (new)</b><br><br><i>3a. Member States receiving imports which have been authorised by pre-export-controls shall regularly check if the imports actually comply with EU requirements.</i> |   | <b>Not acceptable. Pre-export control conditions are dealt with in Section IV.</b> |
|  |  | <b>SECTION IV</b><br><b>APPROVAL OF THE PRE-EXPORT CONTROLS</b>   |  |
| <i>Article 71</i><br><i>Approval of pre-export controls performed by third countries</i>   | <i>Article 71</i><br><i>Approval of pre-export controls performed by third countries</i>   | <i>Article 71</i><br><i>Approval of pre-export controls performed by third countries</i>  |  |

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| <ul style="list-style-type: none"> <li>1. The Commission may, by means of implementing acts, approve specific pre-export controls that a third country carries out on consignments of animals and goods prior to export to the Union with a view to verifying that the exported consignments satisfy the requirements of the rules referred to in Article 1(2). The approval shall only apply to consignments originating in the third country concerned and may be granted for one or more categories of animals or goods.<br/><br/>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 141(2).</li> </ul> |  | 1. The Commission may, by means of implementing acts, approve, <b>upon request of a third country</b> , specific pre-export controls that <del>that a</del> —third country carries out on consignments of animals and goods prior to export to the Union with a view to verifying that the exported consignments satisfy the requirements of the rules referred to in Article 1(2). The approval shall only apply to consignments originating in the third country concerned and may be granted for one or more categories of animals or goods.<br><br>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 141(2). |  |
| <ul style="list-style-type: none"> <li>2. The approval provided for in paragraph 1 shall specify:</li> </ul>   |  | 2. The approval provided for in paragraph 1 shall specify:  |  |
| (a) the maximum frequency of official controls to be performed by the competent authorities of Member States at the entry of the consignments into the Union, where there is no reason to suspect non-compliance   |  | (a) the maximum frequency of official controls to be performed by the competent authorities of Member States at the entry of the consignments into the Union, where there is no reason to suspect non-compliance with the rules referred to in Article 1(2) or  |  |

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| with the rules referred to in Article 1(2) or fraudulent behaviour;   |  | fraudulent behaviour;   |  |
| (b) the official certificates that must accompany consignments entering the Union;  |  | (b) the official certificates that must accompany consignments entering the Union;  |  |
| (c) a model for such certificates;  |  | (c) a model for such certificates;  |  |
| (d) the competent authorities of the third country under the responsibility of which pre-export controls must be performed;   |  | (d) the competent authorities of the third country under the responsibility of which pre-export controls must be performed;   |  |
| (e) where appropriate, any delegated body to which those competent authorities may delegate certain tasks. Such delegation may only be approved if it meets the criteria of Articles 25 to 32 or equivalent conditions.   |  | (e) where appropriate, any delegated body to which those competent authorities may delegate certain tasks. Such delegation may only be approved if it meets the criteria of Articles 25 to 32 or equivalent conditions.   |  |
| <ul style="list-style-type: none"> <li>3. The approval provided for in paragraph 1 may only be granted to a third country if the evidence available and, where appropriate, a Commission control performed in accordance with Article 119, demonstrate that the system of official controls in that third country can ensure that:</li> </ul> |  | <ul style="list-style-type: none"> <li>3. The approval provided for in paragraph 1 may only be granted to a third country if the evidence available and, where appropriate, a Commission control performed in accordance with Article 119, demonstrate that the system of official controls in that third country can ensure that:</li> </ul> |  |



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| (a) the consignments of the animals or goods exported to the Union meet the requirements of the rules referred to in Article 1(2), or equivalent requirements;  |  | (a) the consignments of the animals or goods exported to the Union meet the requirements of the rules referred to in Article 1(2), or equivalent requirements;  |  |
| (b) the controls performed in the third country prior to dispatch to the Union are sufficiently effective to replace or reduce the frequency of the documentary, identity and physical checks laid down in the rules referred to in Article 1(2). |  | (b) the controls performed in the third country prior to dispatch to the Union are sufficiently effective to replace or reduce the frequency of the documentary, identity and physical checks laid down in the rules referred to in Article 1(2).     |  |
| • 4. The competent authorities or a delegated body specified in the approval shall:   |  | 4. The competent authorities or a delegated body specified in the approval shall:   |  |
| (a) be responsible for contacts with the Union;   |  | (a) be responsible for contacts with the Union;   |  |
| (b) ensure that the official certificates referred to in point (b) of paragraph 2 accompany each consignment controlled.  |  | (b) ensure that the official certificates referred to in point (b) of paragraph 2 accompany each consignment controlled.  |  |
| • 5. The Commission shall by means of implementing acts establish detailed rules and criteria for approving pre-export controls performed by third countries in accordance with paragraph 1. Those implementing acts shall be                     |  | 5. The Commission shall by means of implementing acts establish detailed rules and criteria for approving pre-export controls performed by third countries in accordance with paragraph 1 <b>and for official controls performed by the competent</b> |  |

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| adopted in accordance with the examination procedure referred to in Article 141(2).  |  | <b>authorities of the Member States on animals and goods subject to the approval referred in paragraph 1.</b> Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 141(2).   |  |
| <i>Article 72</i><br><i>Non-compliance with, and withdrawal of, the approval of pre-export controls performed by third countries</i>   | <i>Article 72</i><br><i>Non-compliance with, and withdrawal of, the approval of pre-export controls performed by third countries</i>   | <i>Article 72</i><br><i>Non-compliance with, and withdrawal of, the approval of pre-export controls performed by third countries</i>   |  |
| <ul style="list-style-type: none"> <li>1. When official controls on consignments of categories of animal and goods in respect of which specific pre-export controls have been approved in accordance with Article 71(1) reveal serious and recurrent non-compliances with the rules referred to in Article 1(2), Member States shall immediately:</li> </ul> |  | 1. When official controls on consignments of categories of animal and goods in respect of which specific pre-export controls have been approved in accordance with Article 71(1) reveal serious and recurrent non-compliances with the rules referred to in Article 1(2), Member States shall immediately: |  |
| (a) notify the Commission and the other Member States and operators concerned via the TRACES system in   | <b>AMD 188</b><br>a) notify the Commission and the other Member States and operators concerned via the TRACES system, <b><i>including the measures to be applied</i></b> , in addition to seeking administrative | (a) notify the Commission and the other Member States and operators concerned via <b>the integrated computerised system referred to in Article 130(1)</b> <del>the TRACES system in</del>  |  |

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| addition to seeking administrative assistance in accordance with the procedures established in Title IV;   | assistance in accordance with the procedures established in Title IV; | addition to seeking administrative assistance in accordance with the procedures established in Title IV;  |  |
| (b) increase the number of official controls on consignments from the relevant third country and, where necessary to allow a proper analytical examination of the situation, detain a reasonable number of samples under appropriate storage conditions.   |   | (b) increase the number of official controls on consignments from the relevant third country and, where necessary to allow a proper analytical examination of the situation, <b>keep</b> <del>detain</del> <b>an appropriate</b> <del>reasonable</del> number of samples under appropriate storage conditions.  |  |
| <ul style="list-style-type: none"> <li>2. The Commission may, by means of implementing acts, withdraw the approval provided for in Article 71(1) where, following the official controls referred to in paragraph 1, it appears that the requirements laid down in Article 71(3) and (4) are no longer being met.<br/><br/>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 141 (2).</li> </ul> |   | <ul style="list-style-type: none"> <li>2. The Commission may, by means of implementing acts, withdraw the approval provided for in Article 71(1) where, following the official controls referred to in paragraph 1, it <b>has reasons to believe</b> <del>appears</del> that the requirements laid down in Article 71(3) and (4) are no longer being met.<br/><br/>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 141 (2).</li> </ul> |  |
|  |   | <b>SECTION V</b><br><b>COOPERATION AMONGST</b>  |  |

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|   |   | <b>AUTHORITIES IN RELATION TO<br/>CONSIGNMENTS FROM THIRD<br/>COUNTRIES</b>   |  |
| <i>Article 73</i><br><i>Cooperation amongst authorities in<br/>relation to consignments entering the<br/>Union from third countries</i>   | <i>Article 73</i><br><i>Cooperation amongst authorities in<br/>relation to consignments entering the<br/>Union from third countries</i> | <i>Article 73</i><br><i>Cooperation amongst authorities in<br/>relation to consignments entering<br/>the Union from third countries</i>   |  |
| <ul style="list-style-type: none"> <li>1. Competent authorities, customs authorities and other authorities of the Member States shall cooperate closely to ensure that the official controls performed on consignments of animals and goods entering the Union are performed in accordance with the requirements of this Regulation.</li> </ul> |   | <ul style="list-style-type: none"> <li>1. Competent authorities, customs authorities and other authorities of the Member States <b>dealing with animals and goods entering the Union</b> shall cooperate closely to ensure that the official controls <del>performed</del> on consignments of animals and goods entering the Union are performed in accordance with the requirements of this Regulation.</li> </ul> |  |
| For that purpose, competent authorities, customs authorities and other authorities shall:   |   | For that purpose, competent authorities, customs authorities and other authorities shall:   |  |
| (a) guarantee reciprocal access to information which is relevant for the organisation and conduct of their respective activities in relation to animals and goods entering the Union;   |   | (a) guarantee reciprocal access to information which is <del>relevant</del> <b>necessary</b> for the organisation and conduct of their respective activities in relation to animals and goods entering the Union;   |  |

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| (b) ensure the timely exchange of such information, including via electronic means.  |   | (b) ensure the timely exchange of such information, including via electronic means.  |  |
|  | <b>AMD 189</b><br><br><b>Article 73 – paragraph 1 a (new)</b><br><br><i>1a. The customs authorities shall only release those consignments of animals and goods under Article 45 in respect of which the competent authority at the border control post has carried out the official controls provided for in Article 47 and issued a decision recorded in the CHED.</i> |  | <b>Not acceptable as already covered in Article 55</b> |
| <ul style="list-style-type: none"> <li>2. The Commission shall, by means of implementing acts, adopt uniform rules on the cooperation arrangements that competent authorities, customs authorities and other authorities referred to in paragraph 1 are required to put in place to ensure:</li> </ul> |   | 2. The Commission shall, by means of implementing acts, adopt uniform rules on the cooperation arrangements that competent authorities, customs authorities and other authorities referred to in paragraph 1 are required to put in place to ensure: |  |
| (a) access by competent authorities to the information necessary for the immediate and complete identification of the consignments of animals and goods entering the Union that  |   | (a) access by competent authorities to the information necessary for the immediate and complete identification of the consignments of animals and goods entering the Union that are subject to official controls at a border control post in         |  |

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| are subject to official controls at a border control post in accordance with Article 45(1);  |   | accordance with Article 45(1);   |  |
| (b) the reciprocal update, through exchanges of information or synchronisation of relevant data sets, of information gathered by competent authorities, customs authorities and other authorities on consignments of animals and goods entering the Union; |   | (b) the reciprocal update, through exchanges of information or synchronisation of relevant data sets, of information gathered by competent authorities, customs authorities and other authorities on consignments of animals and goods entering the Union; |  |
| (c) the swift communication of decisions taken by such authorities on the basis of the information referred to in points (a) and (b).  |   | (c) the swift communication of decisions taken by such authorities on the basis of the information referred to in points (a) and (b).  |  |
| Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 141(2).   |   | Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 141(2).   |  |
| <i>Article 74</i><br><i>Cooperation amongst authorities in relation to consignments not subject to specific controls at borders</i>  | <i>Article 74</i><br><i>Cooperation amongst authorities in relation to consignments not subject to specific controls at borders</i> | <i>Article 74</i><br><i>Cooperation amongst authorities in relation to consignments not subject to specific controls at borders</i>  |  |
| • 1. In the case of consignments of animals and goods other than those subject to controls at entry into the Union   |   | 1. In the case of consignments of animals and goods other than those subject to controls at entry into the Union as required by  |  |

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| as required by Article 45(1) and for which a customs declaration for release for free circulation has been made in accordance with Articles 4(17) and 59 to 83 of Regulation (EC) No 2913/92, paragraphs 2, 3, and 4 shall apply.  |  | Article 45(1) and for which a customs declaration for release for free circulation has been made in accordance with Articles 4(17) and 59 to 83 of Regulation (EC) No 2913/92, paragraphs 2, 3, and 4 shall apply.   |  |
| <ul style="list-style-type: none"> <li>2. Customs authorities shall suspend release for free circulation when they have reason to believe that the consignment may present a risk to human, animal or plant health, animal welfare or, as regards GMOs and plant protection products, to the environment and immediately notify the competent authorities of such suspension.</li> </ul> |  | 2. Customs authorities shall suspend release for free circulation when they have reason to believe that the consignment may present a risk to human, animal or plant health, animal welfare or, as regards GMOs and plant protection products, to the environment and immediately notify the competent authorities of such suspension. |  |
| <ul style="list-style-type: none"> <li>3. A consignment whose release for free circulation has been suspended pursuant to paragraph 2 shall be released if, within three working days of the suspension of release, the competent authorities have not requested customs authorities to continue the suspension or have informed customs authorities that no risk is present.</li> </ul> |  | 3. A consignment whose release for free circulation has been suspended pursuant to paragraph 2 shall be released if, within three working days of the suspension of release, the competent authorities have not requested customs authorities to continue the suspension or have informed customs authorities that no risk is present. |  |

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| <ul style="list-style-type: none"> <li>4. Where the competent authorities consider that a risk to human, animal or plant health, animal welfare or, as regards GMOs and plant protection products, to the environment, is present:</li> </ul>   |  | 4. Where the competent authorities consider that a risk to human, animal or plant health, animal welfare or, as regards GMOs and plant protection products, <b>also</b> to the environment, is present;  |  |
| (a) they shall instruct the customs authorities not to release the consignment for free circulation and to include the following statement on the commercial invoice accompanying the consignment and on any other relevant accompanying document:<br><br>'Product presents a risk — release for free circulation not authorised — Regulation (EU) No XXX/XXXX [ <i>Office of Publications, please insert number of this Regulation</i> ]'; |  | (a) they shall <b>request</b> <del>instruct</del> the customs authorities not to release the consignment for free circulation and to include the following statement on the commercial invoice accompanying the consignment and on any other relevant accompanying document <b>or the relevant electronic equivalents</b> :<br><br>'Product presents a risk — release for free circulation not authorised — Regulation (EU) No XXX/XXXX [ <i>Office of Publications, please insert number of this Regulation</i> ]'; |  |
| (b) no other customs procedure shall be permitted without the   |  | (b) no other customs procedure shall be permitted without the consent of the   |  |



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| consent of the competent authorities;   |  | competent authorities;  |  |
| (c) Articles 64(1), (3), (4) and (5), 65, 66, 67, 69(1) and (2) and 70(1) and (2) shall apply.  |  | (c) Articles 64(1), (3), (4) and (5), 65, 66, 67, 69(1) and (2) and 70(1) and (2) shall apply.  |  |
| <ul style="list-style-type: none"> <li>5. In the case of consignments of animals and goods other than those subject to controls at entry into the Union as required by Article 45(1) and for which no customs declaration for release for free circulation has been made, customs authorities, where they have reason to believe that the consignment may present a risk to human, animal or plant health, animal welfare or, as regards GMOs and plant protection products, to the environment, shall transmit all relevant information to the customs authorities in the Member States of final destination.</li> </ul> |  | 5. In the case of consignments of animals and goods other than those subject to controls at entry into the Union as required by Article 45(1) and for which no customs declaration for release for free circulation has been made, customs authorities, where they have reason to believe that the consignment may present a risk to human, animal or plant health, animal welfare or, as regards GMOs and plant protection products, to the environment, shall transmit all relevant information to the customs authorities in the Member States of final destination. |  |
|   |  | <b>SECTION VI</b>   |  |
|   |  | <b>SPECIFIC MEASURES</b>  |  |
| <i>Article 75</i><br><i>Rules for specific official controls and for measures to be taken following the performance of such controls</i>  | <i>Article 75</i><br><i>Rules for specific official controls and for measures to be taken following the performance of such controls</i> | <i>Article 75</i><br><i>Rules for specific official controls and for measures to be taken following the performance of such controls</i>  |  |
| <ul style="list-style-type: none"> <li>1. The Commission shall be empowered to adopt delegated</li> </ul>   |  | 1. The Commission shall <del>be empowered to</del> adopt delegated  |  |

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| acts in accordance with Article 139 concerning rules for the performance of specific official controls and for the adoption of measures in cases of non-compliance, to account for the specificities of the following categories of animals and goods or their transport modalities and means:   |  | acts in accordance with Article 139 concerning rules for the performance of specific official controls and <del>on for the adoption of</del> measures in cases of non-compliance, to account for the specificities of the following categories of animals and goods or their transport modalities and means:   |  |
| (a) consignments of fresh fishery products directly landed in ports designated by Member States in accordance with Article 5(1) of Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999 <sup>2</sup> from a fishing vessel flying a third |  | (a) consignments of fresh fishery products directly landed in ports designated by Member States in accordance with Article 5(1) of Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999 <sup>3</sup> from a fishing vessel flying a third country flag; |  |

<sup>2</sup> OJ L 286, 29.10.2008, p. 1.

<sup>3</sup> OJ L 286, 29.10.2008, p. 1.

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| country flag;  |                                      |  |                       |
| (b) consignments of unskinned, furred wild game;   |                                      | (b) consignments of unskinned, furred wild game;   |                       |
| (c) consignments of the categories of goods referred to in point (b) of Article 45(1) which are delivered, with or without storage in a specially approved free or customs warehouse, to vessels leaving the Union and intended for ship supply or consumption by the crew and passengers; |                                      | (c) consignments of the categories of goods referred to in point (b) of Article 45(1) which are delivered, with or without storage in a specially approved free or customs warehouses <b>or in free zones</b> , to vessels leaving the Union and intended for ship supply or consumption by the crew and passengers; |                       |
| (d) <i>wood packaging material</i> ;   | <b>AMD 190</b><br><br><i>deleted</i> | (d) wood packaging material;   | <b>Not acceptable</b> |
| (e) feed and food accompanying animals and intended for the feeding of those animals;  |                                      | (e) feed <del>and food</del> accompanying animals and intended for the feeding of those animals;   |                       |
| (f) animals and goods ordered by distance selling and delivered from a third country to an address in the Union, and the notification requirements necessary to allow the proper performance of official controls;   |                                      | (f) animals and goods ordered by distance selling and delivered from a third country to an address in the Union, and the notification requirements necessary to allow the proper performance of official controls;   |                       |

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| (g) plant products which, on account of their subsequent destination, may give rise to the risk of spreading infectious or contagious animal diseases;  |  | (g) plant products which, on account of their subsequent destination, may give rise to the risk of spreading infectious or contagious animal diseases;  |  |
| (h) consignments of the categories of animals and goods referred to in points (a), (b) and (c) of Article 45(1) originating from, and returning to, the Union following a refusal of entry by a third country;  |  | (h) consignments of the categories of animals and goods referred to in points (a), (b) and (c) of Article 45(1) originating from, and returning to, the Union following a refusal of entry by a third country;  |  |
| (i) goods entering the Union in bulk from a third country, irrespective of whether they all originate from that third country;  |  | (i) goods entering the Union in bulk from a third country, irrespective of whether they all originate from that third country;  |  |
| (j) consignments of goods referred to in Article 45(1) coming from the territory of Croatia and transiting through the territory of Bosnia and Herzegovina at Neum ('Neum corridor') before re-entering the territory of Croatia via the points of entry at Klek or Zaton Doli; |  | (j) consignments of goods referred to in Article 45(1) coming from the territory of Croatia and transiting through the territory of Bosnia and Herzegovina at Neum ('Neum corridor') before re-entering the territory of Croatia via the points of entry at Klek or Zaton Doli; |  |
| (k) animals and goods exempted from the   |  | (k) animals and goods exempted from the provisions of   |  |

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| provisions of Article 45 in accordance with Article 46.  |  | Article 45 in accordance with Article 46.  |  |
| <ul style="list-style-type: none"> <li>2. The Commission shall be empowered to adopt delegated acts in accordance with Article 139 concerning the conditions for monitoring the transport and arrival of consignments of certain animals and goods, from the border control post of arrival to the establishment at the place of destination in the Union or the border control post of exit.</li> </ul> |  | <ul style="list-style-type: none"> <li>2. The Commission shall be empowered to adopt delegated acts in accordance with Article 139 concerning the conditions for monitoring the transport and arrival of consignments of certain animals and goods, from the border control post of arrival to the establishment at the place of destination in the Union, <del>to or</del> the border control post <b>at the place of destination or to the border control post</b> of exit.</li> </ul> |  |
| <ul style="list-style-type: none"> <li>3. The Commission may, by means of implementing acts, lay down rules concerning: <ul style="list-style-type: none"> <li>(a) model official certificates and rules for the issuance of such certificates;</li> <li>(b) the format of documents that must accompany the categories of animals or goods referred to in paragraph 1.</li> </ul> </li> </ul>           |  | <ul style="list-style-type: none"> <li>3. The Commission may, by means of implementing acts, lay down rules concerning: <ul style="list-style-type: none"> <li>(a) model official certificates and rules for the issuance of such certificates;</li> <li>(b) the format of documents that must accompany the categories of animals or goods referred to in paragraph 1.</li> </ul> </li> </ul>   |  |
| Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 141(2).   |  | Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 141(2).   |  |
| <b>Chapter VI</b><br><b>Financing of official controls and</b>   | <b>Chapter VI</b><br><b>Financing of official controls and</b> | <b>Chapter VI</b><br><b>Financing of official controls and</b>   |  |

| other official activities  | other official activities  | other official activities  |  |
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| <i>Article 76<br/>General rules</i>  | <i>Article 76<br/>General rules</i>  | <i>Article 76<br/>General rules</i>  |  |
| 1. Member States shall ensure that adequate financial resources are available to provide the staff and other resources necessary for the competent authorities to perform official controls and other official activities. | <b>AMD 191</b><br>1. Member States shall ensure that adequate financial resources are available to provide the staff and other resources necessary for the competent authorities to perform official controls and other official activities. <i><b>With that aim in view they shall collect fees or contributions to the costs or make resources available from general tax revenue.</b></i> | 1. Member States shall ensure that adequate financial resources are available to provide the staff and other resources necessary for the competent authorities to perform official controls and other official activities. | <b>Not acceptable. Only the term 'financial resources shall be used'</b> |
| 2. <i><b>In addition to the fees collected in accordance with Article 77, Member States may collect fees to cover costs occasioned by official controls other than those referred to in Article 77(1) and (2).</b></i>     |  | <del>2. In addition to the fees collected in accordance with Article 77, Member States may collect fees to cover costs occasioned by official controls other than those referred to in Article 77(1) and (2).</del>        | NB : Provisions of Article 76(2) have been moved to new Article 77bis    |
| 3. This Chapter also applies in the case of delegation of specific official control tasks in accordance with Article 25.   | 3. This Chapter also applies in the case of delegation of specific official control tasks in accordance with Article 25.   | 3. This Chapter also applies in the case of delegation of [...] <b>certain</b> official control tasks <b>and other official activities</b> in accordance with Article 25 <b>and Article 30.</b>                            |  |

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| 4. Member States shall consult the operators concerned on the methods used to calculate the fees provided for in Article 77.   | 4. Member States shall consult the operators concerned on the methods used to calculate the fees <b>or contributions to the costs</b> .   | <del>4. Member States shall consult the operators concerned on the methods used to calculate the fees provided for in Article 77.</del>  | <b>Not acceptable. Only the term 'fees' is used</b><br><br>NB: Provisions of Article 76(4) have been moved to Article 81.3 on 'Transparency'. |
| <i>Article 77</i>  | <i>Article 77</i>   | <i>Article 77</i>  |   |
| <i>Mandatory fees</i>  | <b>AMD 192, 343, 314 and 316</b><br><br>Mandatory fees <b>or contributions to the costs</b>   | <i>Mandatory fees</i>  | <b>Not acceptable Only the term 'fees' is used</b>  |
| 1. For the purpose of ensuring that competent authorities are provided with adequate resources for the performance of official controls, the competent authorities <b>shall</b> collect fees to recover the costs they incur in relation to: | 1. For the purpose of ensuring that competent authorities are provided with adequate resources for the performance of official controls, the competent authorities <b>may</b> collect fees <b>or contribution to the costs</b> to recover, <b>some or all of</b> the costs they incur in relation to: | 1. <b>The competent authorities shall collect fees for official controls performed on animals and goods referred to in points (a) to (c) of paragraph 1 of Article 45, and referred to in Article 15 (2), at least at the amounts provided for in Annex V.</b> | <b>Not acceptable; mandatory fees should be under a 'shall' provision.</b>  |
|  |   | 2. The fees referred to in paragraph (1) <b>shall</b> may be complemented, where the <b>actual</b> cost of the official controls performed is  |   |

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|  |  | higher, up to an amount corresponding to that <del>actual</del> cost.  |  |
|  |  | <p>3. The competent authorities shall collect fees to recover the <del>full</del> costs they incur in relation to:</p> <p>(aa) official controls performed on animals and goods referred to in points (d) to (f) of paragraph 1 of Article 45;</p> <p>(a) official controls performed at the request of the operator, to obtain:</p> <p>(i) the approval provided for in Article 6 of Regulation (EC) No 852/2004 or in Articles 9 and 10 of Regulation (EC) No 183/2005;or</p> <p>(ii) the authorisation referred to in Articles 84, 92 and 93 of Regulation (EU) No XXX/XXXX [<i>Office of Publications, please insert number of the Regulation on</i></p> |  |



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|   |   | <p><i>protective measures against pests of plants</i>];</p> <p><b>(b) official controls which were not originally planned, and;</b></p> <p><b>(i) which have become necessary following the detection of a non-compliance by the same operator, during an official control performed in accordance with this Regulation; and,</b></p> <p><b>(ii) which are performed to assess the extent and the impact of the non-compliance or to verify that the non-compliance has been remedied.</b></p> |  |
| (a) official controls performed to verify that the following operators comply with the rules referred to in Article 1(2): | (a) official controls performed to verify that the following operators comply with the rules referred to in Article 1(2):   | <b>deleted</b>   |  |
| (i) food business operators as defined in Article 3(3) of Regulation (EC) No 178/2002 that are either registered          | (i) food business operators as defined in Article 3(3) of Regulation (EC) No 178/2002 that are either registered or approved, or registered and approved, in accordance with Article 6 of | <b>deleted</b>   |  |

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| or approved, or registered and approved, in accordance with Article 6 of Regulation (EC) No 852/2004;  | Regulation (EC) No 852/2004;  |                |  |
| (ii) feed business operators as defined in Article 3(6) of Regulation (EC) No 178/2002 registered or approved in accordance with Articles 9 and 10 of Regulation (EC) No 183/2005 of the European Parliament and of the Council laying down requirements for feed hygiene <sup>4</sup> ; | (ii) feed business operators as defined in Article 3(6) of Regulation (EC) No 178/2002 registered or approved in accordance with Articles 9 and 10 of Regulation (EC) No 183/2005 of the European Parliament and of the Council laying down requirements for feed hygiene <sup>52</sup> ; | <b>deleted</b> |  |
| (iii) professional operators as defined in point (7) of Article 2 of Regulation (EU) No XXX/XXXX [Office of Publications, please insert number of the Regulation on protective measures against pests of plants];  | (iii) professional operators as defined in point (7) of Article 2 of Regulation (EU) No XXX/XXXX [Office of Publications, please insert number of the Regulation on protective measures against pests of plants];   | <b>deleted</b> |  |

<sup>4</sup> OJ L 35, 8.2.2005, p. 1.

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| <i>Regulation on protective measures against pests of plants</i> ];  |  |         |   |
| (iv) <i>professional operators as defined in point (6) of Article 3 of Regulation (EU) No XXX/XXXX [Office of Publications, please insert number of the Regulation on the production and making available on the market of plant reproductive material]</i> ]; | deleted  | deleted | Acceptable; PRM out of scope of this Regulation |
| (b) the official controls performed in view of the issuance of official certificates or to supervise the issuance of official attestations;  | (b) the official controls performed in view of the issuance of official certificates or to supervise the issuance of official attestations;              | deleted |   |
| (c) official controls performed to verify that the conditions are met:   | (c) official controls performed to verify that the conditions are met:   | deleted |   |
| (i) to obtain and maintain the approval provided for in Article 6 of Regulation (EC) No 852/2004 or in   | (i) to obtain and maintain the approval provided for in Article 6 of Regulation (EC) No 852/2004 or in Articles 9 and 10 of Regulation (EC) No 183/2005; | deleted | NB: moved to paragraph 3 (a) (i)                |

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| Articles 9 and 10 of Regulation (EC) No 183/2005;   |   |                |  |
| (ii) to obtain and maintain the authorisation referred to in Articles 84, 92 and 93 of Regulation (EU) No XXX/XXXX [Office of Publications, please insert number of the Regulation on protective measures against pests of plants];                       | (ii) to obtain and maintain the authorisation referred to in Articles 84, 92 and 93 of Regulation (EU) No XXX/XXXX [Office of Publications, please insert number of the Regulation on protective measures against pests of plants]; | <b>deleted</b> | NB: moved to paragraph 3 (a) (ii)                      |
| (iii) <i>to obtain and maintain the authorisation referred to in Article 25 of Regulation (EU) No XXX/XXXX [Office of Publications, please insert number of the Regulation on the production and making available on the market of plant reproductive</i> | deleted   | <b>deleted</b> | <b>Acceptable; PRM out of scope of this Regulation</b> |

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| <b><i>material</i></b> ];  |   |  |  |
| (d) official controls performed by the competent authorities at the border control posts or at the control points referred to in point (a) of Article 51(1).   | (d) official controls performed by the competent authorities at the border control posts or at the control points referred to in point (a) of Article 51(1).  |  |  |
| 2. For the purposes of paragraph 1, the official controls referred to in point (a) of that paragraph shall include official controls performed to verify compliance with measures adopted by the Commission in accordance with Article 137 of this Regulation, Article 53 of Regulation (EC) No 178/2002, Articles 27(1), 29(1), 40(2), 41(2), 47(1), 49(2) and 50(2) of Regulation (EU) No XXX/XXXX [Office of Publications, please insert number of the Regulation on protective measures against pests of plants], <b>Articles 41 and 144 of Regulation (EU) No XXX/XXXX</b> [Office of Publications, please insert number of the Regulation on the production and making available on the market of plant reproductive material] and Part VI of Regulation (EU) No XXX/XXXX [Office of | 2. For the purposes of paragraph 1, the official controls referred to in point (a) of that paragraph shall include official controls performed to verify compliance with measures adopted by the Commission in accordance with Article 137 of this Regulation, Article 53 of Regulation (EC) No 178/2002, Articles 27(1), 29(1), 40(2), 41(2), 47(1), 49(2) and 50(2) of Regulation (EU) No XXX/XXXX [Office of Publications, please insert number of the Regulation on protective measures against pests of plants], and Part VI of Regulation (EU) No XXX/XXXX [Office of Publications, please insert number of the Regulation on animal health], unless the decision establishing the measures requires otherwise. |  | <b>Acceptable; PRM out of scope of this Regulation</b> |

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| <i>Publications, please insert number of the Regulation on animal health], unless the decision establishing the measures requires otherwise.</i>   |  |  |  |
| 3. For the purposes of paragraph 1:  | 3. For the purposes of paragraph 1:  | <del>3. For the purposes of paragraph 1:</del>   |  |
| (a) the official controls referred to in point (a) of that paragraph shall not include official controls performed to verify compliance with temporary restrictions, requirements or other disease control measures adopted by the competent authorities in accordance with Articles 55(1), 56, 61, 62, 64, 65, 68(1) and 69, and rules adopted pursuant to Articles 55(2), 63, 67 and 68(2) of Regulation (EU) No XXX/XXXX [ <i>Office of Publications, please insert number of the Regulation on animal health</i> ] and Article 16 of Regulation (EU) No XXX/XXXX [ <i>Office of Publications, please insert number of the Regulation on protective measures against pests of plants</i> ]; | (a) the official controls referred to in point (a) of that paragraph shall not include official controls performed to verify compliance with temporary restrictions, requirements or other disease control measures adopted by the competent authorities in accordance with Articles 55(1), 56, 61, 62, 64, 65, 68(1) and 69, and rules adopted pursuant to Articles 55(2), 63, 67 and 68(2) of Regulation (EU) No XXX/XXXX [ <i>Office of Publications, please insert number of the Regulation on animal health</i> ] and Article 16 of Regulation (EU) No XXX/XXXX [ <i>Office of Publications, please insert number of the Regulation on protective measures against pests of plants</i> ]; | <b>4. The competent authorities shall not collect fees for official controls performed to verify that the following operators comply with the rules referred to in Article 1(2) when such the official controls referred to in point (a) of that paragraph are performed to verify compliance with temporary restrictions, requirements or other disease control measures adopted by the competent authorities in accordance with Articles 55(1), 56, 61, 62, 64, 65, 68(1) and 69, and rules adopted pursuant to Articles 55(2), 63, 67 and 68(2) of Regulation (EU) No XXX/XXXX [<i>Office of Publications, please insert number of the Regulation on animal health</i>] and Article 16 of Regulation (EU) No XXX/XXXX [<i>Office of Publications, please insert number of the Regulation on protective measures against</i></b> |  |

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|  |   | pests of plants];   |  |
|  | <i>aa) the official controls referred to in point (a) of that paragraph shall not include controls performed at the level of primary production as defined in Article 3(17) of Regulation (EC) No 178/2002, including on farm processing. This includes controls to verify compliance with statutory management requirements in the area of public health, animal health, plant health, and animal welfare in accordance with Article 93 of Regulation (EU) No 1306/2013.</i> |   | <b>Not acceptable; covered by new Article 77 bis</b> |
| (b) the official controls referred to in point (a) and (b) of that paragraph shall not include official controls performed to verify compliance with the rules referred to in Article 1(2)(j) and (k). | (b) the official controls referred to in point (a) and (b) of that paragraph shall not include official controls performed to verify compliance with the rules referred to in Article 1(2)(j) and (k).  | <del>(b) the official controls referred to in point (a) and (b) of that paragraph shall not include official controls performed to verify compliance with the rules referred to in Article 1(2)(j) and (k).</del> |  |
|  |   | <i>Article 77 bis</i>   |  |
|  |   | <i>Other fees than those referred to in Article 77</i>  |  |
|  |   | <b>Member States may collect fees to cover the costs of official</b>  |  |

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|  |   | controls and other official activities other than those fees referred to in Article 77, unless prohibited by the legislative provisions applicable in the areas governed by the rules referred to in Article 1(2).   |   |
| Article 78   | Article 78  | Article 78   |   |
| Costs  | AMD 193<br>Costs  | Costs  |   |
| 1. The competent authorities shall <i>collect fees</i> in accordance with Article 77 to <i>recover</i> the following costs:  | 1. The competent authorities shall <i>be entitled, when calculating the fees or contributions to the cost</i> in accordance with Article 77, to <i>take</i> the following <i>criteria into account</i> :  | <del>1. The competent authorities shall collect fees in accordance with Article 77 to recover the following costs:</del><br><br>The fees to be collected in accordance with Article 77(2) and (3) shall be determined on the basis of the following costs, insofar as these result from the official controls concerned: | Principle partially acceptable as reworded. |
| (a) the salaries of the staff, including support staff, <i>involved in the performance</i> of official controls, their social security, pension and insurance costs; | (a) the salaries of the staff, including support staff, <i>insofar as they correspond to the actual costs</i> of official controls <i>in accordance with point(b) of article 79(1), excluding</i> their social security, pension and insurance costs; | (a) the salaries of the staff, including support <b>and administrative</b> staff, involved in the performance of official controls, their social security, pension and insurance costs;  | Not acceptable                              |



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| (b) <i>the cost of facilities and equipment, including maintenance and insurance costs;</i>  | <i>delete</i>  | (b) the cost of facilities and equipment, including maintenance and insurance costs <b>and others associated costs;</b>   | <b>Not acceptable</b>         |
| (c) the cost of consumables, services and tools;   | (c) the cost of consumables, services and tools;   | (c) the cost of consumables, <b>and of</b> tools;   | <b>Acceptable as reworded</b> |
|  |  | <b>(ca) the costs of services charged to the competent authorities by delegated bodies for official control delegated to them;</b>  |                               |
| (d) <i>the cost of training of staff referred to in point (a), with the exclusion of the training necessary to obtain the qualification necessary to be employed by the competent authorities;</i> | <i>delete</i>  | (d) the cost of training of staff referred to in point (a), with the exclusion of the training necessary to obtain the qualification necessary to be employed by the competent authorities; | <b>Not acceptable</b>         |
| (e) the cost of travel of the staff referred to in point (a), and associated subsistence costs;  | (e) the cost of travel of the staff <i>for the performance of the official controls</i> referred to in point (a), and associated subsistence costs, <i>calculated in accordance with Article 79 (2);</i> | (e) the cost of travel of the staff referred to in point (a), and associated subsistence costs;   | <b>Not acceptable</b>         |
| (f) the cost of sampling and of laboratory analysis, testing and diagnosis.  | (f) the cost of sampling and of laboratory analysis, testing and diagnosis.  | (f) the cost of sampling and of laboratory analysis, testing and diagnosis <b>charged by official laboratories for</b>  |                               |

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|   |   | <b>those tasks.</b>  |                       |
| 2. If the competent authorities collecting fees in accordance with Article 77 also perform other activities, only the fraction of the cost elements referred to in paragraph 1 of this Article which results from the official controls referred to in Article 77(1) shall be considered for the calculation of the fees. | 2. If the competent authorities collecting <b>mandatory</b> fees <b>or contributions to the costs</b> in accordance with Article 77 also perform other activities, only the fraction of the cost elements referred to in paragraph 1 of this Article which results from the official controls referred to in Article 77(1) shall be considered for the calculation of the <b>mandatory</b> fees <b>or contribution to the costs</b> . | <del>2. If the competent authorities collecting fees in accordance with Article 77 also perform other activities, only the fraction of the cost elements referred to in paragraph 1 of this Article which results from the official controls referred to in Article 77(1) shall be considered for the calculation of the fees.</del> | <b>Not acceptable</b> |
| <i>Article 79</i>   | <i>Article 79</i>   | <i>Article 79</i>  |                       |
| <i>Calculation of fees</i>  | <b>AMD 194</b><br><br>Calculation of <b>mandatory</b> fees or <b>contributions to the costs</b>   | <i>Calculation of fees</i>   |                       |
| 1. Fees collected in accordance with Article 77 shall be:   | 1. The fees <b>or contribution to the costs</b> collected in accordance with Article 77 shall be:   | <del>1. Fees collected in accordance with Article 77 shall be:</del><br><br>Fees collected in accordance with Article 77(2) and (3) shall be <b>established according to one of the following methods of calculation or a combination of them:</b>   | <b>Not acceptable</b> |

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| <p>(a) <i>established at a flat-rate on the basis of the overall costs of official controls borne by the competent authorities over a given period of time, and applied to all operators irrespective of whether any official control is performed during the reference period in relation to each operator charged; in establishing the level of the fees to be charged on each sector, activity and category of operators, the competent authorities shall take into consideration the impact that the type and the size of the activity concerned and the relevant risk factors have on the distribution of the overall costs of those official controls; or,</i></p> | <p><i>Delete</i></p>   | <p>(a) established at a flat-rate on the basis of the overall costs of official controls borne by the competent authorities over a given period of time, and applied to all operators irrespective of whether any official control is performed during the reference period in relation to each operator charged; in establishing the level of the fees to be charged on each sector, activity and category of operators, the competent authorities shall take into consideration the impact that the type and the size of the activity concerned and the relevant risk factors have on the distribution of the overall costs of those official controls; or,</p> | <p><b>Not acceptable</b></p> |
| <p>(b) calculated on the basis of the actual costs of each individual official control, and applied to the operators subject to such official control; such fee shall not exceed the actual costs of the official control performed and</p>  | <p>(b) calculated on the basis of the actual costs of each individual official control, and applied to the operators subject to such official control; such fee shall not exceed the actual costs of the official control performed and may be partly or entirely expressed as a function of the</p> | <p>(b) calculated on the basis of the actual costs of each individual official control, and applied to the operators subject to such official control; <del>such fee shall not exceed the actual costs of the official control performed and may be partly or entirely expressed as a function of the</del></p>   |                              |

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| may be partly or entirely expressed as a function of the time employed by the staff of the competent authorities to perform the official controls.  | time employed by the staff of the competent authorities to perform the official controls.   | <del>time employed by the staff of the competent authorities to perform the official controls..</del>  |  |
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| 2. Travel costs as referred to in point (e) of Article 78(1) shall be considered for the calculation of the fees referred to in Article 77(1) in a manner that does not discriminate between operators on the basis of the distance of their premises from the location of the competent authorities. | 2. Travel costs as referred to in point (e) of Article 78(1) shall be considered for the calculation of the fees <i>or contributions to the costs</i> referred to in Article 77(1) in a manner that does not discriminate between operators on the basis of the distance of their premises from the location of the competent authorities.  | <del>2. Travel costs as referred to in point (e) of Article 78(1) shall be considered for the calculation of the fees referred to in Article 77(1) in a manner that does not discriminate between operators on the basis of the distance of their premises from the location of the competent authorities.</del> |  |
| 3. Where fees are calculated in accordance with point (a) of paragraph 1, the fees collected by competent authorities in accordance with Article 77 shall not exceed the overall costs incurred for the official controls performed over the period of time referred to in point (a) of paragraph 1.  | 3. Where <i>the fees or contributions to the costs</i> are calculated in accordance with point (a) of paragraph 1, the fees <i>or contribution to the costs</i> collected by competent authorities in accordance with Article 77 shall not exceed the overall costs incurred for the official controls performed over the period of time referred to in point (a) of paragraph 1. | 3. Where fees are calculated in accordance with point (a) of paragraph 1, the fees collected by competent authorities <del>in accordance with Article 77</del> shall not exceed the overall costs incurred for the official controls performed over the period of time referred to in point (a) of paragraph 1.  |  |
|   |   | <b>3a. Where fees are calculated in accordance with point (b) of paragraph 1, they shall not exceed the actual cost of the official</b>  |  |

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|   |   | <b>control performed.</b>  |                        |
| <i>Article 80</i>   | <i>Article 80</i>   | <i>Article 80</i>  |                        |
| <i>Reduction of fees for consistently compliant operators</i>   | <b>AMD 195</b><br><br>Reduction of fees <i><b>or contributions to the costs</b></i> for consistently compliant operators  | <i>Collection and application of fees</i><br><br><del><i>Reduction of fees for consistently compliant operators</i></del>  | <b>Not acceptable</b>  |
| Where fees are established in accordance with <i><b>point (a) of</b></i> Article 79(1), the rate of the fee to be applied to each operator shall be determined taking into account the operators' record of compliance with the rules referred to in Article 1(2) as ascertained through official controls, so that fees applied to consistently compliant operators are lower than those applied to other operators. | Where fees <i><b>or contributions to the costs</b></i> are established in accordance with Article 79(1), the rate of the fee to be applied to each operator shall be determined taking into account the operators' record of compliance with the rules referred to in Article 1(2) as ascertained through official controls, so that fees or contribution to the costs applied to consistently compliant operators are lower than those applied to other operators. | <del>Where fees are established in accordance with <i><b>point (a) of</b></i> Article 79(1), the rate of the fee to be applied to each operator shall be determined taking into account the operators' record of compliance with the rules referred to in Article 1(2) as ascertained through official controls, so that fees applied to consistently compliant operators are lower than those applied to other operators.</del> | <b>Not acceptable.</b> |
|   |   | <b>1. An operator shall not be charged with a fee for an official control and for other official activities performed on the basis of a complaint if the control does not lead to the confirmation of non-compliance.</b>  |                        |

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|  |  | <p><b>2. Fees collected in accordance with Article 77 and Article 77 bis shall not directly or indirectly be refunded, unless unduly collected.</b></p>  |  |
|  |  | <p><b>3. Member States may decide that fees shall be collected by other authorities than the competent authorities or by delegated bodies.</b></p>   |  |
|  |  | <p><b>4. Member States may reduce the amount of fees referred to in Chapter II of Annex V, to take account of;</b></p> <p><b>(a) the interest of operators with a low throughput; or;</b></p> <p><b>(b) traditional methods used for the production, processing and distribution; or;</b></p> <p><b>(c) the needs of operators located in regions subject to particular geographical</b></p> |  |

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|  |   | <b>constraints;or;</b><br><br><b>(d) the operator's record of compliance with the rules referred to in Article 1(2) as ascertained through official controls.</b>                              |                       |
| <i>Article 81</i>  | <i>Article 81</i>   | <i>Article 81</i>  |                       |
| <i>Application of fees</i>   | <b>AMD 196</b><br><br>Application of fees <i>or contributions to the costs</i>  | <del><i>Application of fees</i></del>  | <b>Not acceptable</b> |
| 1. Operators shall receive proof of the payment of fees provided for in Article 77(1).   | 1. Operators shall receive proof of the payment of fees <i>or contributions to the costs</i> provided for in Article 77(1).   | <b>4 1. The competent authorities shall ensure that the operators, upon request, receive proof of payment of fees in case where the operator does not otherwise have access to such proof.</b> | <b>Not acceptable</b> |
| 2. Fees collected in accordance with point (d) of Article 77(1) shall be paid by the operator responsible for the consignment or its representative. | 2. Fees <i>or contributions to the costs</i> collected in accordance with point (d) of Article 77(1) shall be paid by the operator responsible for the consignment or its representative. | <del>2. Fees collected in accordance with point (d) of Article 77(1) shall be paid by the operator responsible for the consignment or its representative.</del>                                | <b>Not acceptable</b> |
| <i>Article 82</i>  | <i>Article 82</i>   | <i>Article 82</i>  |                       |

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| <i>Fees refunds and exemption for microenterprises</i>   | <b>AMD 197, 315 and 348</b><br><br>Fees refunds and exemption for microenterprises  | <i>Fees refunds and exemption for microenterprises</i>   |                       |
| • <i>1. Fees provided for in Article 77 shall not directly or indirectly be refunded, unless unduly collected.</i>   |   | <b>Delete ( Article 82)</b>  |                       |
| • <i>2. Enterprises employing fewer than 10 persons and whose annual turnover or annual balance sheet total does not exceed EUR 2 million shall be exempted from the payment of the fees provided for in Article 77.</i> | <i>Member States can exempt small and medium enterprises that fulfil certain objective and non-discriminatory criteria from the payment of fees or cost contributions provided for in Article 77.</i> |  | <b>Not acceptable</b> |
| • <i>3. The costs referred to in Articles 77, 78 and 79 shall not include those incurred for the performance of official controls on the enterprises referred to in paragraph 2.</i>                                     |   |  |                       |
| <i>Article 83</i>  | <i>Article 83</i>   | <i>Article <del>81</del>3</i>  |                       |
| <i>Transparency</i>  | <b>AMD 198</b><br><br>Transparency  | <i>Transparency</i>  |                       |
| 1. The competent authorities shall ensure the highest level of transparency of:  | 1. The competent authorities shall ensure the highest level of transparency of:   | 1. <del>The competent authorities shall ensure the highest level of transparency of</del><br><b>Member States</b> shall ensure a <b>high</b> level of transparency <b>on</b> : |                       |



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| (a) the method and data used to establish the fees provided for in Article 77(1);                                  | (a) the method and data used to establish the fees <i>or contributions to the costs</i> provided for in Article 77(1);                                  | (a) <b>for the fees provided for in Articles 77(2), 77 (3) and 77 bis;</b><br><br>(i) the method and data used to establish these fees [...];<br><br>(ii) the amount of the fees, applied to each category of operators and for each category of official controls or other official activities. | <b>Not acceptable</b> |
| (b) the use of resources collected through such fees;  | (b) the use of resources collected through such fees <i>or contributions to the costs, including the number of controls performed;</i>                  | <del>(b) the use of resources collected through such fees;</del>   | <b>Not acceptable</b> |
| (c) the arrangements in place to ensure an efficient and thrifty use of the resources collected through such fees. | (c) the arrangements in place to ensure an efficient and thrifty use of the resources collected through such fees <i>or contributions to the costs.</i> | <del>(c) the arrangements in place to ensure an efficient and thrifty use of the resources collected through such fees.</del>  | <b>Not acceptable</b> |
|  |   | (b) the identity of the authorities or bodies responsible for the collection of the fees.  |                       |
|  |   | (c) the method and data used to reduce the amounts of the fees set out in Chapter II of Annex V.   |                       |

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| 2. Each competent authority shall make available to the public the following information for each reference period:   | 2. Each competent authority shall make available to the public the following information for each reference period:   | 2. Each competent authority shall make available <del>on the Internet</del> to the public the following information <b>referred to in paragraph 1</b> for each reference period, the costs to the competent authority for which a fee is due in accordance with <b>paragraphs (2) and (3)</b> of Articles 77 <b>and 77bis</b> . |                       |
| (a) the costs to the competent authority for which a fee is due in accordance with Article 77(1), indicating the breakdown of such costs per activity referred to in Article 77(1) and per cost element referred to in Article 78(1); | (a) the costs to the competent authority for which a fee is due in accordance with Article 77(1), indicating the breakdown of such costs per activity referred to in Article 77(1) and per cost element referred to in Article 78(1);                                   | <del>(b) the costs to the competent authority for which a fee is due in accordance with Article 77(1), indicating the breakdown of such costs per activity referred to in Article 77(1) and per cost element referred to in Article 78(1);</del>  |                       |
| (c) the amount of the fees provided for in Article 77(1) applied to each category of operators, and for each category of official controls;   | (b) the amount of the fees <i>or contributions to the costs</i> provided for in Article 77(1) applied to each category of operators, and for each category of official controls;  | <del>(d) the amount of the fees provided for in Article 77(1) applied to each category of operators, and for each category of official controls;</del>  | <b>Not acceptable</b> |
| (e) the method used to establish the fees provided for in Article 77(1), including the data and estimates used for the establishment of the flat rate fees referred to in point (a) of Article 79(1);                                 | (c) the method used to establish the fees <i>or contributions to the costs</i> provided for in Article 77(1), including the data and estimates used for the establishment of the flat rate fees <i>or contribution to the costs</i> referred to in point (a) of Article | <del>(f) the method used to establish the fees provided for in Article 77(1), including the data and estimates used for the establishment of the flat rate fees referred to in point (a) of Article 79(1);</del>  | <b>Not acceptable</b> |

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|  | 79(1);  |   |                       |
| (g) where point (a) of Article 79(1) applies, the method used to adjust the level of the fees in accordance with Article 80; | (d) where point (a) of Article 79(1) applies, the method used to adjust the level of the fees <i>or contributions to the costs</i> in accordance with Article 80; | <del>(h) where point (a) of Article 79(1) applies, the method used to adjust the level of the fees in accordance with Article 80;</del>                         | <b>Not acceptable</b> |
| (i) the overall amount of fees corresponding to the exemption referred to in Article 82(2).                                  | (e) the overall amount of fees <i>or contributions to the costs</i> corresponding to the exemption referred to in Article 82(2).                                  | <del>(j) the overall amount of fees corresponding to the exemption referred to in Article 82(2).</del>  | <b>Not acceptable</b> |
|  |   | <b>3. Member States shall consult relevant stakeholders on the general methods used to calculate the fees provided for in Articles 77(2), 77(3) and 77 bis.</b> |                       |
| <i>Article 84</i>  | <i>Article 84</i>   | <i>Article 84</i>   |                       |
| <i>Expenses arising from additional official controls and from enforcement measures</i>                                      | <b>AMD 199</b><br>Expenses arising from additional official controls and from enforcement measures  | <del><i>Expenses arising from additional official controls and from enforcement measures</i></del>  |                       |
| Competent authorities shall charge fees to cover the additional costs they have incurred as a result of:                     | Competent authorities shall charge fees <i>or contributions to the costs</i> to cover the additional costs they have incurred as a result of:                     | <b>Deleted (Article 84)</b>   | <b>Not acceptable</b> |
| (a) additional official controls:  | (a) additional official controls:   |   |                       |
| (i) which have become necessary following the detection of a non-  | (i) which have become necessary following the detection of a non-compliance during an official  |   |                       |

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| compliance during an official control performed in accordance with this Regulation;   | control performed in accordance with this Regulation;   |  |  |
| (ii) performed to assess the extent and the impact of the non-compliance or to verify that the non-compliance has been remedied;  | (ii) performed to assess the extent and the impact of the non-compliance or to verify that the non-compliance has been remedied;  |  |  |
| (b) official controls performed at the request of the operator;   | (b) official controls performed at the request of the operator;   |  |  |
| (c) corrective action taken by the competent authorities, or by a third party upon request by the competent authorities, where an operator has failed to carry out corrective action ordered by the competent authorities in accordance with Article 135 to remedy the non-compliance;  | (c) corrective action taken by the competent authorities, or by a third party upon request by the competent authorities, where an operator has failed to carry out corrective action ordered by the competent authorities in accordance with Article 135 to remedy the non-compliance;  |  |  |
| (d) official controls performed and action taken by the competent authorities in accordance with Articles 64 to 67, 69 and 70, and corrective action taken by a third party upon request by the competent authorities, in cases where the operator has failed to carry out corrective action ordered by the competent authorities in accordance with Articles 64(3) and (5), 65 and 67. | (d) official controls performed and action taken by the competent authorities in accordance with Articles 64 to 67, 69 and 70, and corrective action taken by a third party upon request by the competent authorities, in cases where the operator has failed to carry out corrective action ordered by the competent authorities in accordance with Articles 64(3) and (5), 65 and 67. |  |  |

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| (e)   |  |   |  |
| <b>Chapter VII</b><br><b>Official certification</b>   | <b>Chapter VII</b><br><b>Official certification</b>  | <b>Chapter VII</b><br><b>Official certification</b>   |  |
| <i>Article 85</i><br><i>General requirements concerning</i><br><i>official certification</i>  | <i>Article 85</i><br><i>General requirements concerning</i><br><i>official certification</i>                             | <i>Article 85</i><br><i>General requirements concerning</i><br><i>official certification</i>  |  |
| <ul style="list-style-type: none"> <li>1. In accordance with rules referred to in Article 1(2), official certification shall take the form of:</li> </ul>   |  | <ul style="list-style-type: none"> <li>1. <del>In accordance with rules referred to in Article 1(2),</del> official certification shall <b>result in take the issuance form of:</b></li> </ul>  |  |
| (a) official certificates; or,  |  | (a) official certificates; or,  |  |
| (b) official attestations.  |  | (b) official attestations <b>in the cases provided for in the rules referred to Article 1(2).</b>   |  |
|   | <b>AMD 200</b><br><br><b>Article 85 – paragraph 1 – point b a (new)</b><br><br><i>(ba) official health attestations.</i> |   | <b>Not acceptable, as already covered in Article 85 1 (b) and Recital (20)</b> |
| <ul style="list-style-type: none"> <li>2. Where the competent authorities delegate specific tasks related to the issuance of official certificates or official attestations, or to the official supervision referred to in Article 90(1) such delegation shall comply with the provisions of</li> </ul> |  | <ul style="list-style-type: none"> <li>2. Where the competent authorities delegate <del>specific</del> <b>certain</b> tasks related to the issuance of official certificates or official attestations, or to the official supervision referred to in Article 90(1) such delegation shall comply with the provisions of</li> </ul> |  |

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| Articles 25 to 32.  |   | Articles 25 to 32.   |  |
| <i>Article 86</i><br><i>Official certificates</i>   | <i>Article 86</i><br><i>Official certificates</i> | <i>Article 86</i><br><i>Official certificates</i>  |  |
| <ul style="list-style-type: none"> <li>1. When the rules referred to in Article 1(2) require the issuance of an official certificate, the provisions of Articles 87, 88 and 89 shall apply.</li> </ul>                        |   | <ul style="list-style-type: none"> <li>1. When the rules referred to in Article 1(2) require the issuance of an official certificate, the provisions of Articles 87, 88 and 89 shall apply.</li> </ul>   |  |
| <ul style="list-style-type: none"> <li>2. Articles 87, 88 and 89 shall also apply to official certificates which are necessary for the purposes of exporting consignments of animals and goods to third countries.</li> </ul> |   | <ul style="list-style-type: none"> <li>2. Articles 87, 88 and 89 shall also apply to official certificates which are necessary for the purposes of exporting consignments of animals and goods to third countries <b>or which are requested to the competent authority of a Member State of dispatch by the competent authority of a Member State of destination in respect of consignments of animals and goods which are to be exported to third countries.</b></li> </ul> |  |

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|   | <b>AMD 201</b><br><br><b>Article 86 – paragraph 2 a (new)</b><br><br><i>2a. Regarding the issuance of an official certificate for products referred to in Article 1(2) point (j), in addition to the provisions mentioned in article 85(2), the delegated body works and is accredited in accordance with standard EN ISO/IEC 17065: 2012.</i> |  | <b>Not acceptable.</b> |
| <i>Article 87<br/>Signature and issuance of official certificates</i>   | <i>Article 87<br/>Signature and issuance of official certificates</i>  | <i>Article 87<br/>Signature and issuance of official certificates</i>  |                        |
| 1. Official certificates shall be issued by the competent authorities.  | <b>AMD 202</b><br><br>1. Official certificates shall be issued by the competent authorities <i>or delegated bodies pursuant to Articles 25 to 32.</i>  | 1. Official certificates shall be issued by the competent authorities  | <b>Not acceptable</b>  |
| 2. Competent authorities shall designate the certifying officers who are authorised to sign official certificates. Certifying officers shall: |  | 2. <del>Competent</del> — <b>The</b> authorities referred to in paragraph 1 shall designate the certifying officers who are authorised to sign official certificates <b>and shall ensure that these.</b> <del>Certifying officers shall:</del> |                        |
| (a) be free from conflict of interest in relation to what   | <b>AMD 203</b><br><br>(a) be free from conflict of interest in   | (a) <del>are</del> be free from <b>any</b> conflict of interest in relation to what is being   | <b>Not acceptable</b>  |

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| is being certified and act impartially;  | relation to what is being certified and act <i><b>independently and</b></i> impartially; | certified and act impartially;  |  |
| (b) receive appropriate training on the rules with which compliance is certified by the official certificate as well as on the provisions of this Chapter. |  | (b) <b>have</b> received appropriate training on the rules with which compliance is certified by the official certificate <b>and on the technical assessment of compliance with those rules</b> as well as on the <del>provisions of this Chapter</del> <b>relevant rules laid down in this Regulation.</b> |  |
| • 3. Official certificates shall be signed by the certifying officer and issued on one of the following grounds:   |  | 3. Official certificates shall be signed by the certifying officer and issued on one of the following grounds:  |  |
| (a) direct knowledge by the certifying officer of facts and data relevant for the certification, obtained through:   |  | (a) direct knowledge by the certifying officer of <b>up-to-date</b> facts and data relevant for the certification, obtained through:  |  |
| (i) an official control; or  |  | (i) an official control; or   |  |
| (ii) the acquisition of another official certificate issued by the competent authorities;  |  | (ii) the acquisition of another official certificate issued by the competent authorities;   |  |
| (b) facts and data relevant for the certification, knowledge of which was ascertained by another   |  | (b) facts and data relevant for the certification, knowledge of which was ascertained by another person authorised for that purpose by, and   |  |



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| person authorised for that purpose by, and acting under the control of, the competent authorities, provided that the certifying officer can verify the accuracy of such facts and data;   |   | acting under the control of, the competent authorities, provided that the certifying officer can verify the accuracy of such facts and data;  |  |
| (c) facts and data relevant for the certification which were obtained from the operators' own-control systems, complemented and confirmed by results from regular official controls, where the certifying officer is thus satisfied that the conditions for issuing the official certificate are met. |   | (c) facts and data relevant for the certification which were obtained from the operators' own-control systems, complemented and confirmed by results from regular official controls, where the certifying officer is thus satisfied that the conditions for issuing the official certificate are met. |  |
| <ul style="list-style-type: none"> <li>4. Official certificates shall be signed by the certifying officer and issued only on the basis of point (a) of paragraph 3 when rules referred to in Article 1(2) so require.</li> </ul>  |   | 4. Official certificates shall be signed by the certifying officer and issued only on the basis of point (a) of paragraph 3 when rules referred to in Article 1(2) so require.  |  |
| <i>Article 88</i><br><i>Guarantees of reliability for official certificates</i>   | <i>Article 88</i><br><i>Guarantees of reliability for official certificates</i> | <i>Article 88</i><br><i>Guarantees of reliability for official certificates</i>   |  |
| 1. Official certificates shall:   |   | 1. Official certificates shall:   |  |
|   |   | <b>(aa) bear a unique code;</b>   |  |

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| (a) not be signed by the certifying officer where they are blank or incomplete;  |  | (a) not be signed by the certifying officer where they are blank or incomplete;  |                    |
| (b) be drawn up in one of the official languages of the institutions of the Union that is understood by the certifying officer and, where relevant, in one of the official languages of the Member State of destination;               |  | (b) be drawn up in one <b>or more</b> of the official languages of the institutions of the Union <del>that is</del> understood by the certifying officer and, where relevant, in one of the official languages of the Member State of destination;                       |                    |
| (c) be authentic and accurate;   |  | (c) be authentic and accurate;   |                    |
| (d) enable the identification of the person who signed them;   | <b>AMD 204</b><br>(d) enable the identification of the person who signed them <i>and the date of issue</i> ;   | (d) enable the identification of the person who signed them;   | <b>Acceptable</b>  |
| (e) allow the verification of the link between the certificate and the consignment, lot or individual animal or good covered by the certificate.   | <b>AMD 205</b><br>(e) allow the <i>easy</i> verification of the link between the certificate, <i>the issuing authority</i> and the consignment, lot or individual animal or good covered by the certificate. | (e) allow the verification of the link between the certificate and the consignment, lot or individual animal or good covered by the certificate.   | <b>Acceptable.</b> |
| 2. The competent authorities shall take all measures necessary to prevent and penalise the issuance of false or misleading official certificates or the abuse of official certificates. Such measures shall include where appropriate: |  | 2. The competent authorities shall take all <b>appropriate</b> measures <del>necessary</del> to prevent <del>and penalise</del> the issuance of false or misleading official certificates or the abuse of official certificates. <del>Such measures shall include;</del> |                    |

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|   |   | <del>where appropriate,;</del>   |  |
| (a) the temporary suspension of the certifying officer from its duties;   |   | <del>(a) the temporary suspension of the certifying officer from its duties;</del>   |  |
| (b) the withdrawal of the authorisation to sign official certificates;  |   | <del>(b) the withdrawal of the authorisation to sign official certificates;</del>  |  |
| (c) any other necessary measure to prevent that the offence referred to in the first sentence of this paragraph is repeated.    |   | <del>(c) any other necessary measure to prevent that the offence referred to in the first sentence of this paragraph is repeated.</del>                                |  |
| <i>Article 89<br/>Implementing powers for official certificates</i>   | <i>Article 89<br/>Implementing powers for official certificates</i> | <i>Article 89<br/>Implementing powers for official certificates</i>  |  |
| The Commission may, by means of implementing acts, lay down rules for the uniform application of Articles 87 and 88 concerning: |   | The Commission may, by means of implementing acts, lay down rules for the uniform application of Articles 87 and 88 concerning:  |  |
| (a) model official certificates and rules for the issuance of such certificates;  |   | (a) model official certificates and rules for the issuance of such certificates, <b>where requirements are not laid down in the rules referred to in Article 1(2);</b> |  |

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| (b) the mechanisms and the legal and technical arrangements to ensure the issuance of accurate and reliable official certificates and prevent risk of fraud; |   | (b) the mechanisms <del>and the legal</del> and technical arrangements to ensure the issuance of accurate and reliable official certificates and prevent risk of fraud; |  |
| (c) the procedures to be followed in the case of withdrawals of official certificates and for the production of replacement certificates;                    |   | (c) the procedures to be followed in the case of withdrawals of official certificates and for the <b>issuance</b> <del>production</del> of replacement certificates;    |  |
| (d) rules for the production of certified copies of official certificates;   |   | (d) rules for the production of certified copies of official certificates;  |  |
| (e) the format of documents that must accompany animals and goods after official controls have been performed;   |   | (e) the format of documents that must accompany animals and goods after official controls have been performed;  |  |
| (f) rules for the issuance of electronic certificates and for the use of electronic signatures.  |   | (f) rules for the issuance of electronic certificates and for the use of electronic signatures.   |  |
| Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 141(2).   |   | Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 141(2).  |  |
| <i>Article 90</i><br><i>Official attestations</i>  | <i>Article 90</i><br><i>Official attestations</i> | <i>Article 90</i><br><i>Official attestations</i>   |  |

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| 1. When the rules referred to in Article 1(2) require the issuance of official attestations by the operators under the official supervision of the competent authorities, or by the competent authorities themselves, paragraphs 2, 3 and 4 of this Article shall apply. |  | 1. When <b>this Regulation</b> or the rules referred to in Article 1(2) require the issuance of official attestations by the operators under the official supervision of the competent authorities, or by the competent authorities themselves, paragraphs 2, 3 and 4 of this Article shall apply. |  |
| 2. Official attestations shall:  |  | 2. Official attestations shall:  |  |
| (a) be authentic and accurate;   |  | (a) be authentic and accurate;   |  |
| (b) be drawn up in one of the official languages of the institutions of the Union;   | <b>AMD 206</b><br>(b) be drawn up in one of the official languages of the institutions of the Union; <i>or in any of the official languages of a Member State;</i> | (b) be drawn up in one <b>or more</b> of the official languages of the institutions of the Union <b>and, where relevant, in one of the official languages of the Member State of destination;</b>  | <b>Not acceptable.</b><br><b>See Article 342 of the TFEU as regards this expression.</b> |
| (c) where they relate to a consignment or a lot, allow the verification of the link between the official attestation and that consignment or lot.<br>(d)   |  | (c) where they relate to a consignment or a lot, allow the verification of the link between the official attestation and that consignment or lot.  |  |
| 3. Competent authorities shall ensure that the staff performing official controls to supervise the certification procedure or, where the official attestations are issued by the competent   |  | 3. Competent authorities shall ensure that the staff performing official controls to supervise the <b>issuance of official attestations</b> <del>certification procedure</del> or, where   |  |

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| authorities, the staff involved in the issuance of those official attestations:   |  | the official attestations are issued by the competent authorities, the staff involved in the issuance of those official attestations:                |                       |
| (a) are impartial and free from any conflict of interest in relation to what is being certified by the official attestations; | <b>AMD 207</b><br>(a) are <i>independent</i> , impartial and free from any conflict of interest in relation to what is being certified by the official attestations; | (a) <del>act are</del> impartially and free from any conflict of interest in relation to what is being certified by the official attestations;       | <b>Not acceptable</b> |
| (b) receive appropriate training on:  |  | (b) <b>have received</b> appropriate training on:  |                       |
| (i) the rules with which compliance is certified by the official attestations;  |  | (i) the rules with which compliance is certified by the official attestations <b>and on the technical assessment of compliance with those rules;</b> |                       |
| (ii) the rules laid down in this Regulation.  |  | (ii) the <b>relevant</b> rules laid down in this Regulation.   |                       |
| 4. Competent authorities shall perform regular official controls to verify that:  |  | 4. Competent authorities shall perform regular official controls to verify that:   |                       |
| (a) the operators issuing the attestations comply with the conditions laid down in the rules referred to in Article 1(2);     |  | (a) the operators issuing the attestations comply with the conditions laid down in the rules referred to in Article 1(2);                            |                       |

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| (b) the attestation is issued on the basis of relevant, correct and verifiable facts and data. |  | (b) the attestation is issued on the basis of relevant, correct and verifiable facts and data. |  |
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