

Utkast til forskrift om endring i forskrift om offentlig kontroll – generelle regler for grensekontroll forordning (EU) 2019/2123, forordning (EU) 2019/2126, forordning (EU) 2019/2129 og forordning (EU) 2019/2130 m.f.

Hjemmel: Fastsatt av Mattilsynet [dato] med hjemmel i lov 19. desember 2003 nr. 124 om matproduksjon og mattrygghet mv. (matloven) § 12, § 13, § 14, § 15, §16, § 17, § 19, § 23 og § 33, jf. delegeringsvedtak 19. desember 2003 nr. 1790 og delegeringsvedtak 5. mai 2004 nr. 884.

EØS-henvisninger: EØS-avtalen vedlegg I kap. I del 1.1 nr. 11bv, kap. II nr. 31qvw, og vedlegg II kap. XII nr. 164v (forordning (EU) 2021/2123), EØS-avtalen vedlegg II, kap. XII nr. 164y (forordning (EU) 2019/2126)

I

I forskrift 9. mars 2020 nr. 708 om offentlig kontroll – generelle regler for grensekontroll forordning (EU) 2019/2123, forordning (EU) 2019/2126, forordning (EU) 2019/2129 og forordning (EU) 2019/2130 gjøres følgende endringer:

I EØS-henvisningsfeltet skal lyde:

EØS-avtalen vedlegg I kap. I del 1.1 nr. 11bv, kap. II nr. 31qv og vedlegg II kap. XII nr. 164v (forordning (EU) 2019/2123, som endret ved *forordning 2021/2305*), vedlegg I kap. I del 1.1 nr. 11bx, kap. II nr. 31qx og vedlegg II kap. XII nr. 164x (forordning (EU) 2019/2126, som endret ved *forordning (EU) 2021/2305*), vedlegg I kap. I del 1.1 nr. 11br, kap. II nr. 31qr og vedlegg II kap. XII nr. 164r (forordning (EU) 2019/2129), vedlegg I kap. I del 1.1 nr. 11bs, kap. II nr. 31qs og vedlegg II kap. XII nr. 164s (forordning (EU) 2019/2130).

§ 5 skal lyde:

EØS-avtalens vedlegg I kapittel I del 1.1 nr. 11bx, kap. II nr. 31qx og vedlegg II kap. XII nr. 164x (forordning (EU) 2019/2126, som endret ved *forordning (EU) 2021/2305*) om utfylling av europaparlaments- og rådsforordning (EU) 2017/625 med hensyn til regler for særskilt offentlig kontroll av visse kategorier av dyr og varer, tiltak som skal treffes etter slik kontroll og visse kategorier av dyr og varer som er unntatt fra offentlig kontroll på grensekontrollstasjoner gjelder som forskrift med de tilpasninger som følger av vedlegg I og II, protokoll 1 til avtalen og avtalen for øvrig.

§ 6 skal lyde:

EØS-avtalens vedlegg I kapittel I del 1.1 nr. 11bv, kap. II nr. 31qv og vedlegg II kap. XII nr. 164v (forordning (EU) 2019/2123, som endret ved *forordning (EU) 2021/2305*) om utfylling av europaparlaments- og rådsforordning (EU) 2017/625 med hensyn til regler for i hvilke tilfeller og på hvilke vilkår identitetskontroll og fysisk kontroll av visse varer kan gjennomføres på kontrollsteder og dokumentkontroll kan gjennomføres på en viss avstand fra grensekontrollstasjoner gjelder som forskrift med de tilpasninger som følger av vedlegg I og II, protokoll 1 til avtalen og avtalen for øvrig.

II

I forskrift 9. mars 2020 nr. 711 om offentlig kontroll – krav til transporten ved import og transitt, forordning (EU) 2019/1666, forordning (EU) 2019/2124 og forordning (EU) 2019/2128 gjøres følgende endringer:

I EØS-henvisningsfeltet skal lyde:

EØS-avtalen vedlegg I kap. I del 1.1 nr. 11bc, kap. II nr. 31qc og vedlegg II kap. XII nr. 164c (forordning (EU) 2019/1666), vedlegg I kap. I del 1.1 nr. 11bw, kap. I del 4.2 nr. 86, kap. I del 7.1 nr. 9c, kap. II nr. 31qw og vedlegg II kap. XII nr. 164w (forordning (EU) 2019/2124, som endret ved forordning (EU) 2020/2190 og forordning (EU) 2021/2305) og vedlegg I kap. I del 1.1 nr. 11bq, kap. II nr. 31qq og vedlegg II kap. XII nr. 164q (forordning (EU) 2019/2128).

§ 2 skal lyde:

EØS-avtalens vedlegg I kapittel I del 1.1 nr. 11bw, kap. I del 4.2 nr. 86, kap. I del 7.1 nr. 9c, kap. II nr. 31qw og vedlegg II kap. XII nr. 164w (forordning (EU) 2019/2124, som endret ved forordning (EU) 2020/2190 og forordning (EU) 2021/2305) om utfylling av europaparlaments- og rådsforordning (EU) 2017/625 med hensyn til regler for offentlig kontroll av forsendelser av dyr og varer i transitt, ved omlasting og videre transport gjennom Unionen, og om endring av kommisjonsforordning (EF) nr. 798/2008, (EF) nr. 1251/2008, (EF) nr. 119/2009, (EU) nr. 206/2010, (EU) nr. 605/2010, (EU) nr. 142/2011, (EU) nr. 28/2012, kommisjonens gjennomføringsforordning (EU) 2016/759 og kommisjonsvedtak 2007/777/EF gjelder som forskrift med de tilpasninger som følger av vedlegg I og II, protokoll 1 til avtalen og avtalen for øvrig.

III

Endringene trer i kraft [dato 2022].

Endringer som gjøres under avsnittet “Forordninger”

I

I forskrift 9. mars 2020 nr. 708 om offentlig kontroll – generelle regler for grensekontroll forordning (EU) 2019/2123, forordning (EU) 2019/2126, forordning (EU) 2019/2129 og forordning (EU) 2019/2130 gjøres følgende endringer i delen om forordning (EU) 2019/2123 om kontroll ved kontrollsteder og plantekontroll utenom grensekontrollstasjon:

Ny tittel skal lyde:

Konsolidert forordning (EU) 2019/2123 om kontroll ved kontrollsteder og plantekontroll utenom grensekontrollstasjon

Innledningsteksten skal lyde:

Nedenfor gjengis til informasjon norsk oversettelse av EØS-avtalen vedlegg I kapittel I del 1.1 nr. 11bv, kap. II nr. 31qv og vedlegg II kap. XII nr. 164v (forordning (EU) 2019/2123, som

endret ved forordning (EU) 2021(2305) med de endringer og tillegg som følger av EØS-tilpasningen av rettsakten i samsvar med vedlegg I og II, protokoll 1 til EØS-avtalen.

Forordning (EU) 2019/2123 er konsolidert til og med endringer gjennomført ved forordning (EU) 2021/2305.

► **B** Kommisjonsforordning (EU) 2019/2123 av 10.oktober 2019

som endret ved:

► **M1** Kommisjonsforordning (EU) 2021/2305 av 21. oktober 2021

Nytt bokstav ia) settes inn etter artikkel 1 første ledd bokstav a):

► **M1**

(ia) consignments of plants, plant products and other objects referred to in point (i) that are subject to official controls at border control posts pursuant to Article 45(5) of Regulation (EU) 2018/848 of the European Parliament and of the Council ^(*).

(*)Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products and repealing Council Regulation (EC) No 834/2007 (OJ L 150, 14.6.2018, p. 1)

<Norsk tekst settes inn ved oversettelse>

◄ **M1**

Bokstav ii) i artikkel 1 første ledd skal lyde:

► **M1**

consignments of food and feed of non-animal origin subject to the measures provided for by the acts referred to in points (d), (e) and (f) of Article 47(1) of Regulation (EU) 2017/625, including those that are subject to official controls at border control posts pursuant to Article 45(5) of Regulation (EU) 2018/848.

<Norsk tekst settes inn ved oversettelse>

◄ **M1**

Bokstav b) i artikkel 1 første ledd skal lyde:

► **M1**

b) documentary checks at distance from a border control post on consignments of:

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

ii) plants, plant products and other objects referred to in point (i) that are subject to official controls at border control posts pursuant to Article 45(5) of Regulation (EU) 2018/848.

<Norsk tekst settes inn ved oversettelse>

◄ **M1**

Ny artikkel 1a skal lyde:

► **M1**

Artikkel 1a Denifisjoner

I denne forordning menes med

(1) "food and feed safety checks" means official controls performed for the verification of compliance with the rules referred to in Article 1(2), points (a) and (c), of Regulation (EU) 2017/625,

(2) "phytosanitary checks" means official controls performed for the verification of compliance with the rules referred to in Article 1(2), point (g), of Regulation (EU) 2017/625,

(3) “organic checks” means official controls referred to in Article 6(1) of Commission Delegated Regulation (EU) 2021/ 2306 (*).

(* Commission Delegated Regulation (EU) 2021/2306 of 21 October 2021 supplementing Regulation (EU) 2018/848 of the European Parliament and of the Council with rules on the official controls in respect of consignments of organic products and in-conversion products intended for import into the Union and on the certificate of inspection (OJ L 461, 27.12.2021, p. 13).

<Norsk tekst settes inn ved oversettelse>

◀ M1

Artikkel 2 første ledd første punktum skal lyde:

▶ M1

Identity and physical checks for the verification of compliance with Union rules on food safety, feed safety and on protective measures against pests of plants may be performed at a control point other than a border control post where the following conditions apply:

<Norsk tekst settes inn ved oversettelse>

◀ M1

Nytt artikkel 2 fjerde ledd skal lyde:

▶ M1

4. The competent authorities may perform the following official controls at a control point indicated in the CHED other than the border control post, unless in box 30 of the certificate of inspection referred to in Article 5 of Delegated Regulation (EU) 2021/2306 (“certificate of inspection”) the check box “the consignment cannot be released for free circulation” has been ticked:

a) phytosanitary checks in the form of identity and physical checks in relation to consignments of plants, plant products and other objects referred to in Article 1(1), point (a)(ia), of this Regulation;

b) food and feed safety checks in the form of identity and physical checks in relation to consignments of food and feed of non-animal origin referred to in Article 1(1), point (a)(ii), of this Regulation that are subject to official controls at border control posts pursuant to Article 45(5) of Regulation (EU) 2018/848.

<Norsk tekst settes inn ved oversettelse>

◀ M1

Ny artikkel 2a skal lyde:

▶ M1

Artikkel 2a

Conditions for the performance of organic checks in the form of identity and physical checks at control points other than border control posts in relation to consignments of certain products subject to official controls at border control posts pursuant to Article 45(5) of Regulation (EU) 2018/848

1. The competent authorities may perform organic checks in the form of identity and physical checks in relation to consignments of plants, plant products and other objects referred to in Article 1(1), point (a)(ia), and in relation to consignments of food and feed of non-animal origin referred to in Article 1(1), point (a)(ii), that are subject to official controls at border control posts pursuant to Article 45(5) of Regulation (EU) 2018/848, at a control point indicated in the certificate of inspection other than the border control post, if the following conditions are met:

a) the control point where organic checks in the form of identity and physical checks are to be performed has been indicated in the certificate of inspection either by the operator responsible for the consignment when giving prior notification in accordance with Article 3(1) of Commission Implementing Regulation (EU) 2021/2307(*) or by the competent authority at the border control post;

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

- c) the competent authorities of the border control post have recorded in box 26 of the certificate of inspection their authorisation to transfer the consignment to the control point;
- d) the competent authorities of the border control post have recorded in the CHED their authorisation to transfer the consignment to a control point for food and feed safety checks in the form of identity and physical checks or for phytosanitary checks in the form of identity and physical checks, as appropriate;
- e) before the consignment leaves the border control post, the competent authority at the border control post responsible for organic checks informs the competent authority at the control point responsible for organic checks of the arrival of the consignment by submitting in the Trade Control and Expert System (TRACES) the certificate of inspection;
- f) the operator has transported the consignment from the border control post to the control point under customs supervision without the goods being unloaded during the transport;
- g) the operator has ensured that consignments of plants, plant products and other objects referred to in Article 1(1), point (a)(ia), and of food and feed of non-animal origin referred to in Article 1(1), point (a)(ii), that are subject to official controls at border control posts pursuant to Article 45(5) of Regulation (EU) 2018/848, are accompanied to the control point by an authenticated copy of the certificate of inspection;
- h) the operator has indicated the reference number of the certificate of inspection in the customs declaration lodged with the customs authorities for the purposes of the transfer of the consignment to the control point and has kept a copy of that certificate at the disposal of the customs authorities as referred to in Article 163 of Regulation (EU) No 952/2013.

2. The requirement for an authenticated copy of the certificate of inspection referred to in paragraph 1, point (g), to accompany the consignment shall not apply where that certificate has been issued in TRACES by the control authority or control body in the third country in accordance with Delegated Regulation (EU) 2021/2306 or uploaded in TRACES by the operator and the competent authorities of the border control post have checked that it corresponds to the original certificate of inspection.

(*) Commission Implementing Regulation (EU) 2021/2307 of 21 October 2021 laying down rules on documents and notifications required for organic and in-conversion products intended for import into the Union (OJ L 461, 27.12.2021, p. 30).

<Norsk tekst settes inn ved oversettelse>

◀ M1

Artikkel 3 første ledd første punktum skal lyde:

▶ M1

Identity checks and physical checks on consignments of food and feed of non-animal origin referred to in Article 1(1), point (a)(ii), may be performed by the competent authorities at a control point other than a border control post, where either of the following applies.

<Norsk tekst settes inn ved oversettelse>

◀ M1

Nytt artikkel 3 tredje ledd skal lyde:

▶ M1

3. The competent authorities may perform identity and physical checks in relation to consignments of food and feed of non-animal origin referred to in Article 1(1), point (a)(ii), that are subject to official controls at border control posts pursuant to Article 45(5) of Regulation (EU) 2018/848, at a control point other than a border control post, where, in addition to one of the conditions set out in paragraph 1 of this Article:

- a) the operator responsible for the consignment has requested the transfer to a control point both for food and feed safety checks in the form of identity and physical checks and for organic checks in the form of identity and physical checks;

b) in case the consignment is selected by the competent authorities of the border control post both for food and feed safety checks in the form of identity and physical checks and for organic checks in the form of identity and physical checks, the competent authorities of the border control post have authorised or decided such transfer, as appropriate, in relation to all those checks. Those checks shall be performed at the same control point, which has to be designated for the category of goods in the consignment and to be located in the Member State where the consignment is to be released for free circulation.

<Norsk tekst settes inn ved oversettelse>

◀ M1

Nytt artikkel 3 fjerde ledd skal lyde:

▶ M1

4. Where consignments are transferred to a control point in accordance with paragraph 3, the competent authorities of the border control post responsible for food and feed safety checks shall record the transfer in the CHED and the competent authorities of the border control post responsible for organic checks shall record the transfer in the certificate of inspection.

<Norsk tekst settes inn ved oversettelse>

◀ M1

Ny bokstav c) settes inn i artikkel 4 etter første ledd bokstav b):

▶ M1

c) plants, plant products and other objects referred to in points (a) and (b) that are subject to official controls at border control posts pursuant to Article 45(5) of Regulation (EU) 2018/848.

<Norsk tekst settes inn ved oversettelse>

◀ M1

Nytt artikkel 4 fjerde ledd skal lyde:

▶ M1

4. In relation to plants, plant products and other objects referred to in paragraph 1, point (c), identity and physical checks may be performed by the competent authorities at a control point other than a border control post, where, in addition to one of the conditions set out in paragraph 2, the following applies:

a) the operator responsible for the consignment has requested the transfer to a control point both for phytosanitary checks in the form of identity and physical checks and for organic checks in the form of identity and physical checks;

b) in case the consignment is selected by the competent authorities of the border control post both for phytosanitary checks in the form of identity and physical checks and for organic checks in the form of identity and physical checks, the competent authorities of the border control post have authorised or decided such transfer, as appropriate, in relation to all those checks. Those checks shall be performed at the same control point, which has to be designated for the category of goods in the consignment and to be located in the Member State where the consignment is to be released for free circulation.

<Norsk tekst settes inn ved oversettelse>

◀ M1

Nytt artikkel 4 femte ledd skal lyde:

▶ M1

5. Where consignments are transferred to a control point in accordance with paragraph 4, the competent authorities of the border control post responsible for phytosanitary checks shall record the transfer in the CHED and the competent authorities of the border control post responsible for organic checks shall record the transfer in the certificate of inspection.

<Norsk tekst settes inn ved oversettelse>

◀ M1

Nytt artikkel 6 sjette ledd skal lyde:

▶ M1

6. In relation to consignments transferred to a control point for the performance of organic checks in the form of identity and physical checks, the competent authorities of the control point shall:

- a) confirm the arrival of the consignment to the competent authorities of the border control post responsible for organic checks via TRACES,
- b) record in the certificate of inspection the outcome of the organic checks in the form of identity and physical checks and the decision on the consignment in accordance with Article 6(3) of Delegated Regulation (EU) 2021/2306.

<Norsk tekst settes inn ved oversettelse>

◀ M1

Artikkel 7 første ledd første punktum skal lyde:

▶ M1

Documentary checks on consignments of plants, plant products and other objects referred to in Article 1(1), point (b), entering the Union may be performed by either of the following:

<Norsk tekst settes inn ved oversettelse>

◀ M1

Nytt artikkel 8 første ledd bokstav a, punkt v) settes inn etter punkt iv):

▶ M1

- v) in respect of plants, plant products and other objects referred to in Article 4(1), point (c), of this Regulation, the certificate of inspection referred to in Delegated Regulation (EU) 2021/2306.

<Norsk tekst settes inn ved oversettelse>

◀ M1

Artikkel 8 skal lyde:

▶ M1

2. Where consignments of plants, plant products and other objects are to be transported by the operator to a control point for the performance of identity checks and physical checks, Articles 2, 2a, 4 and 5 shall apply.

<Norsk tekst settes inn ved oversettelse>

◀ M1

II

I forskrift 9. mars 2020 nr. 711 om offentlig kontroll – krav til transporten ved import og transitt, forordning (EU) 2019/1666, forordning (EU) 2019/2124 og forordning (EU) 2019/2128 gjøres følgende endringer i delen om forordning (EU) 2019/2124 om regler for transitt, omlasting og videresending av forsendelser gjøres følgende endringer:

Ny tittel skal lyde:

Konsolidert forordning (EU) 2019/2124 regler om for transitt, omlasting og videresending av forsendelser

Innledningsteksten skal lyde:

Nedenfor gjengis til informasjon norsk oversettelse av EØS-avtalen vedlegg I kapittel I del 1.1 nr. 11bw, kap. I del 4.2 nr. 86, kap. I del 7.1 nr. 9c, kap. II nr. 31qw og vedlegg II kap. XII

nr. 164w (forordning (EU) 2019/2124, som endret ved forordning (EU) 2021/2305) med de endringer og tillegg som følger av EØS-tilpasningen av rettsakten i samsvar med vedlegg I og II, protokoll 1 til EØS-avtalen.

Forordning (EU) 2019/2124 er konsolidert til og med endringer gjennomført ved forordning (EU) 2021/2305.

► **B** Kommisjonsforordning (EU) 2019/2124 av 22.oktober 2019

som endret ved:

► **M2** Kommisjonsforordning (EU) 2021/2305 av 21. oktober 2021

Ny artikkel 1 første ledd bokstav iia) settes inn etter bokstav ii):

► **M2**

(iia) plants, plant products and other objects referred to in points (i) and (ii) that are subject to official controls at border control posts pursuant to Article 45(5) of Regulation (EU) 2018/848 of the European Parliament and of the Council^(*).

(*) Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products and repealing Council Regulation (EC) No 834/2007 (OJ L 150, 14.6.2018, p. 1).

<Norsk tekst legges når oversettelse foreligger>

◄ **M2**

Artikkel 6 tredje ledd første punktum skal lyde:

► **M2**

The operator responsible for the consignment shall ensure that the packaging or the means of transport of the consignment of plants, plant products and other objects referred to in Article 1(1), point (a)(i), (ii) and (iia), has been closed or sealed in such a way that, during their transport to and storage at the onward transportation facility.

<Norsk tekst legges når oversettelse foreligger>

◄ **M2**