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FINAL REPORT OF AN AUDIT
CARRIED OUT IN
ESTONIA
FROM 19 TO 26 FEBRUARY 2018
IN ORDER TO
EVALUATE THE OFFICIAL IMPORT CONTROL SYSTEM (LIVE ANIMALS, FOOD
OF ANIMAL AND NON-ANIMAL ORIGIN)

In response to information provided by the competent authority, any factual error noted in the draft report has been corrected; any clarification appears in the form of a footnote.

Executive Summary

The report describes the overall outcome of an audit carried out in Estonia from 19 to 26 February 2018 as part of the European Commission's Directorate-General for Health and Food Safety planned work programme.

The objective of the audit was to evaluate the implementation of official controls on the importation of commercial consignments of live animals and on products of animal and non-animal origin and to determine whether the system in place fulfils the requirements laid down in relevant European Union (EU) legislation and is capable of ensuring that only compliant consignments can be introduced into the territory of the EU. In addition, the audit evaluated the compliance of facilities, equipment and hygiene conditions of the border inspection posts and designated points of entry and import. These were audited against relevant EU requirements and followed-up on a recommendation made in a previous audit report (ref. DG(SANCO)2013-6897 MR), which evaluated the national procedures in place to verify the effectiveness of the import control system.

The audit found that there is a suitable framework of official controls in place, implemented by a well-organised and trained competent authority and supported by detailed guidance documents and information technology systems which contribute to effective planning and consistent implementation of controls. The controls were, for the most part, carried out properly by the competent authority and in line with EU requirements. Only minor shortcomings were found in relation to the implementation of some documentary checks.

Notwithstanding the overall good performance, the audit did identify one case (attempted importation of fraudulent 'honey') where the failure of the authorities to notify other Member States in a timely manner may have resulted in more of this falsified material being imported into the Union via other Member States.

As regards the facilities and equipment, these were satisfactory in three of the four sites visited. There is, however, little reason to justify the retention and continued approval of the Paldiski BIP which had been unused since 2004.

The report contains recommendations to the Estonian competent authority to address the shortcomings identified.

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ABBREVIATIONS AND DEFINITIONS USED IN THIS REPORT

Abbreviation	Explanation
Approval categories	<p>Categories live animals and products of animal origin for the receipt of which BIPs in Estonia are approved in accordance with Commission Decision 2009/821/EC as follows:</p> <p>HC: all products for human consumption</p> <p>NHC: all products for non-human consumption</p> <p>NT: no temperature requirement</p> <p>E: live animals: registered <i>equidae</i> (as defined in Council Directive 90/426/EEC)</p> <p>O; other animals (including zoo animals)</p>
CN code	The goods nomenclature code as laid down by Annex 1 to Council Regulation (EEC) No 2658/87 (i.e. the Combined Nomenclature)
BIP	Border Inspection post
CED	Common entry document
COMPLEX	Database of the Estonian Customs
CVEDA	Common veterinary entry document for animals
CVEDP	Common entry document for product of animal origin
DPE	Designated point of entry
DPI	Designated point of import
ETT	Estonian TARIC Code database
EU	European Union
JVIS	Database of the Veterinary and Food Board of Estonia
TRACES	Trade Control and Expert System
VFB	Veterinary and Food Board of Estonia

1 INTRODUCTION

The audit took place from 19 to 26 February 2018 as part of the DG Health and Food Safety work programme. The audit team comprised two auditors. The audit team was accompanied during the entire audit by two representatives of the central competent authorities the Veterinary and Food Board (VFB) and the Tax and Customs Board (hereafter: Customs).

2 OBJECTIVES

The main objective of the audit was the evaluation of the official control system implemented by the competent authorities covering commercial imports of live animals and products of animal and non-animal origin. Particular attention was paid to:

- Whether the controls are implemented in compliance with the applicable legislation and planned arrangements;
- For products of non-animal origin, the controls are implemented at the designated point of entry (DPE) and designated point of import (DPI), as laid down in Commission Regulation (EC) No 669/2009 and Commission Implementing Regulation (EU) No 884/2014;
- The system fulfils the objectives laid down in relevant Union legislation to prevent the spread of contagious or infectious diseases, and;
- The implementation of controls is effective and suitable in ensuring that only compliant consignments can be introduced into the territory of the EU.

In addition to the main objective, the audit evaluated the compliance of facilities, equipment and the hygiene conditions of the border inspection posts (BIPs), DPEs and DPIs visited against the requirements of Council Directive 91/496/EEC, Council Directive 97/78/EC, Commission Decision 2001/812/EC, Regulation (EC) No 669/2009 and Regulation (EU) No 884/2014. The audit also followed up a recommendation from the previous audit report (ref. DG(SANTE)2013-6897 MR), which evaluated the national procedures in place to verify the effectiveness of the import control system. Controls on non-commercial consignments of live animals and goods were not covered during the audit.

The table below lists the sites visited and the meetings held in order to achieve the objectives:

Meetings/sites visited	Competent authorities
Opening and closing meetings	VFB and Customs
BIP/DPE/DPI Luhamaa	VFB and Customs
BIP/DPE/DPI Narva	VFB and Customs
BIP/DPE/DPI Muuga	VFB and Customs
BIP/DPE/DPI Paldiski	VFB and Customs

3 LEGAL BASIS

The audit was carried out under the general provisions of EU legislation and, in particular, Article 45 of Regulation (EC) No 882/2004 of the European Parliament and of the Council.

4 BACKGROUND

Properly functioning border controls are a key factor to ensure that live animals and food and feed (especially of animal origin) entering to the European Union are safe and meet specific import requirements laid down in the Union legislation.

The general rules on official controls on feed and food, both of animal and non-animal origin are laid down in Regulation (EC) No 882/2004. Title II, Chapter V of said Regulation comprises rules on the official controls on the introduction of feed and food from non-EU countries. Specific requirements for veterinary checks of live animals are laid down in Directive 91/496/EEC and for food and feed of animal origin, in Directive 97/78/EC. Moreover, Union legislation lays down specific and special conditions for imports of feed and food for which there may be an increased risk for human health, animal health or for the environment (e.g. Regulation (EC) No 669/2009, Regulation (EU) No 884/2014 etc.).

The Commission carries out regular audits on the implementation of import control systems in the EU Member States, the last such audit in Estonia having been carried out in September 2013 (DG(SANTE)2013-6897).

The Estonian authorities provided the following statistics on imports to Estonia in 2015-2017:

Type of imports/year	2016 Number of consignments	2017 Number of consignments
Imports of products of animal origin	800	802
Internal transit	112	180
External transit	118	193
Imports of live animals	24	13
Re-imports	8	12
Transits of live animals	6	2
Imports of products of non-animal origin	88	94
Imports of food contact materials	18	20
Controls of Art. 12 warehouses	2	3

Most consignments of live animals comprised registered *equidae*. In relation to food of animal origin most consignments comprised fish and fishery products. The type of products of food and feed of non-animal origin subject to controls and imported to Estonia depend on the DPE/DPI locations. The consignments imported from the Russian Federation at the road DPEs/DPIs comprised mostly berries and mushrooms of Russian origin; whereas the

consignments imported through the BIP Muuga comprised various commodities such as nuts, peppers, almonds, apricots, sultanas etc. These consignments originated from various countries such as India, China and Turkey.

Estonia has three BIPs at the border to the Russian Federation: two road BIPs Luhamaa and Narva and one railway BIP; Koidula. In addition, Estonia has two sea port BIPs, Muuga and Paldiski. Of these five BIPs, only Luhamaa is approved for live animals (categories E and O: equines and other animals).

The BIPs are also approved as DPEs/DPIs, except for Koidula. Muuga is also designated as a first point of entry for the import of polyamine and melamine kitchenware originating in or consigned from China and Hong Kong in line with Article 5 Commission Regulation (EU) No 284/2011.

Consignments passing through Koidula railway BIP comprise external transits from other non-EU countries destined for the Russian Federation or Kazakhstan. In 2016 and 2017 the number of transited consignments (food of animal origin) was 15 and 82, respectively.

The DPI AR Agentuuri AS was delisted in January of 2018 at the request of the private operators of the facilities due to lack of incoming trade.

In Estonia the same facilities are approved as BIPs and DPEs/DPIs and all relevant controls are carried out by the same staff (official veterinarians).

5 FINDINGS AND CONCLUSIONS

Legal acts quoted in this report are provided in Annex I and refer, where applicable, to the latest amended version. Relevant articles or sections of the legislation cited in Annex I are referred to in the individual findings in this section of the report.

5.1 STRUCTURE OF THE SYSTEM FOR IMPORT CONTROLS

5.1.1 *Competent authorities involved*

1. The structure of the competent authorities and the allocation of responsibilities are described in the country profile of Estonia available at: http://ec.europa.eu/food/audits-analysis/country_profiles/details.cfm?co_id=EE. The Food Safety Department within the Ministry of Rural Affairs is responsible for drafting legislation, whereas the Veterinary and Food Board and its Trade, Import and Export Department is the central competent authority responsible for the planning, supervision and implementation of import controls on live animals and food and feed of animal and non-animal origin. The official veterinarians based at the BIPs/DPEs/DPIs are implementing the import controls required by EU legislation.
2. Sufficient resources were available at the BIPs/DPEs/DPIs visited.
3. As the BIP/DPE/DPI Paldiski has not been in operation since 2004, no staff are located at the premises. In the event that imports would arrive, the staff of Muuga BIP/DPE/DPI would step in and carry out the controls.

4. Postal packages are checked by Customs at postal processing and distribution centre in Tallinn. Two post offices are involved; one is dealing with all packages with Estonia as the destination, the other with packages with the Russian Federation as the destination.

5.1.2 *Communication and cooperation between competent authorities*

5. Good communication and co-operation between all competent authorities involved in border controls in Estonia was ensured in line with Article 24 of Regulation (EC) No 882/2004 and Article 6 of Regulation (EC) No 136/2004. The VFB has a co-operation agreement with Customs on import controls. The agreement covers live animals and products of food and feed of animal and non-animal origin. The agreement was last updated on 16 October 2008.
6. The Agreement stipulates that regular official meetings should take place between the VFB and Customs. The audit team found that meetings take place on ad hoc basis and no minutes are kept.
7. The central competent authority is organising meetings with the staff of BIPs based on need. Meetings are often held using Skype. No minutes of the meetings are kept except for the agendas.
8. Evidence was available that designated staff at central authority check the EU official journals for updates on a weekly basis and sends the updates in a timely manner to the BIPs/DPEs/DPIs as well as any relevant information received from the Commission.
9. Both the VFB and Customs have placed all relevant information on imports of live animals and food and feed of animal and non-animal origin on their publicly available webpages or intranet (including information related to the Convention on International Trade in Endangered Species of Wild Fauna and Flora or harmful species which are controlled by Customs).

5.1.3 *Resources and training of staff*

10. The staff met were experienced and had good knowledge on import controls.
11. Two designated staff members of the Trade, Import and Export Department of the VFB are responsible for the import controls, with tasks divided between them (one member is overall in charge and is responsible for live animals and products of animal origin, the other for products of non-animal origin).
12. In all BCPs visited in Estonia the number of staff allocated for the BCPs was sufficient to allow enough time to carry out proper controls for the number of consignments arriving.
13. The central authorities had ensured that staff had participated in relevant training events on import controls in line with Article 6 of Regulation (EC) No 882/2004. The central authorities of the VFB organise regular annual training for the staff involved in import controls, including Customs. The training topics are chosen based on emerging risks, import volumes, and staff requests for training are also taken into account. The list of trainings organised is kept in a database including topics and participants. The training sessions covered topics such as control of imports of organic food, the Trade Control and Expert System (TRACES) (including the guideline of 8 September 2017 on the TRACES new platform technology), the Rapid Alert System for Food and Feed

(RASFF) and interesting case studies. In addition, several official veterinarians working at BIPs/DPEs/DPIs have been attending Better Training for Safer Food sessions on relevant topics (for example, on TRACES). The last training that included a session on controls of imports of products of non-animal origin was organised by the central authorities in October 2015. Evidence was available that staff of the DPEs/DPIs visited had participated in the training event.

14. Adequate documentation of training of staff was available in the BIPs/DPEs/DPIs BIPs/DPEs/DPIs visited. The central authorities can check the training records of all official veterinarians working at the BIPs/DPEs/DPIs and keep track of this. Evidence was available that action is taken if an official veterinarian working at a BIP/DPE/DPI misses training sessions.
15. Customs has its own annual training programme (for example, training for new officers) and customs officers participate in trainings of organised by the VFB. Training session for new Customs officers were organised 24-28 October 2016 and 20-22 November 2017. Customs organised training for its staff on imports of organic food and feed on 19 October 2017. The last training organised by the VFB in which Customs participated, covered import rules for organic food and feed and took place on 16-17 November 2017.

5.1.4 Administrative provisions for implementation of EU rules and planning

16. Detailed documented procedures were in place for the performance of official controls in line with Article 8.1 of Regulation (EC) No 882/2004. Specific guidance and decrees exist to guide officials for controls on products of animal and non-animal origin and food contact materials. The import guidance documents, including the BIP manual are updated accordingly at least once annually (for example, the guidance document of the VFB on imports of products of non-animal origin was updated on 2 January 2018). The BIP manual includes, for example, guidance on the application of safeguard measures, re-enforced checks and reduced checks regime and on re-imports and has web links to relevant webpages of the Commission.
17. The central authority's planning of import control priorities is risk-based, taking into account the volume of imports and transits, the number of RASFF issued in the EU, notifications in the TRACES database, results of the previous years' monitoring plans and guidance from the Trade, Import and Export Department of the VFB.
18. Annual risk-based sampling and monitoring plans for food and feed of animal origin are implemented at the BIPs/DPEs/DPIs (see section 5.2.3.2 for details).

5.1.5 Use of TRACES

19. The audit team verified that TRACES was used timely and correctly in most cases, in accordance with the requirements of Article 3(2) of Commission Decision 2004/292/EC, Regulation (EC) No 282/2004 and Annex III Regulation (EC) No 136/2004.
20. The Estonian DPEs/DPIs use TRACES also for products of non-animal origin, although this is not a legal requirement in the EU legislation.

21. In some cases studied by the audit team, the results of laboratory analyses in TRACES in 2016 were reported for one sample only, although in reality the results cover all sub-samples that are legally required (see finding 53).

5.1.6 Use of other databases in relation to import controls

22. Customs use two databases, namely the Estonian TARIC (integrated tariff of the EU) Code System (ETT) and COMPLEX in their daily work. The ETT also includes national measures, e.g. for fertilisers. The ETT is updated automatically from the international TARIC system and is publicly available.
23. The official veterinarians at Muuga port BIP use (beside TRACES) and in line with Article 3.3 of Directive 97/78/EC, three other databases for import controls, namely the electronic database of the port of Tallinn for checking of arriving ship, the Electronic Maritime Information System (e-mereriik), and the container terminal database for checking of cargo manifests and selection of consignments for checks (see finding 36).
24. The outcomes of official controls, including annual sampling and monitoring plans, are uploaded into the competent authority's database JVIS to enable analysis of the results and a more detailed follow-up of any enforcement actions being taken.

5.1.7 Enforcement measures and sanctions

25. The Food Act empowers inspectors of the VFB to enter food business operators' premises and seize goods, to suspend activities and to initiate proceedings for administrative offences. Evidence of enforcement measures and sanctions applied in line with Articles 54 and 55 of Regulation (EC) No 882/2004 was seen by the audit team in Muuga BIP, where the staff had issued written warnings in four cases in 2017 because of delayed or missing pre-notifications. The last fine for a delayed pre-notification was issued in 2015 (of 60 euros).

5.1.8 Verification mechanisms

26. The competent authorities had verification mechanisms in place in line with Article 8.3 of Regulation (EC) No 882/2004. A designated staff member of the Trade, Import and Export Department of VFB carries out internal verification of the BIP activities at least once a year. The scope of the verification comprises facilities and documentation. Reports of the verification visits carried out in the last years for the BIPs visited in the last years were available and included identified shortcomings and the agreed actions for addressing these.
27. Another designated staff member of the Trade, Import and Exports department started to carry out on-site verification visits to DPEs/DPIs in December 2017 - January 2018. Verification reports were available at the sites visited by the audit team.
28. The Ministry of Rural Affairs has outsourced the internal audits of the VFB to an external private company (for more details, see report DG(SANCO)2013-6897). The audits are performed on a yearly basis based on priority areas. No audits have been carried out on import controls at least within the last five years.

29. The Ministry of Finance and the Ministry of Rural Affairs have carried out a joint audit over the movements of live animals (covering imports and in relation to pets, also intra-Community trade) in 2017. The audit covered the period January 2016-May 2017.

Conclusions on the structure of the system for import controls

30. There is an adequate framework of official controls in place, implemented by a well-organised and trained competent authority and supported by detailed guidance documents and information technology systems which contribute to effective planning and consistent implementation of controls.

5.2 IMPLEMENTATION OF OFFICIAL CONTROLS ON IMPORTED GOODS

5.2.1 *Pre-notifications and systems to ensure the presentation of imported consignments for controls*

31. All consignments, including products of non-animal origin, have to be pre-notified in TRACES. According to the central competent authority 97 % of pre-notifications are done in TRACES. Evidence was available that pre-notifications were in line with Article 17 of Regulation (EC) 882/2004 and, depending on the commodity, in line with Article 3.1 (a) of Directive 91/496/EEC, Article 1.1 of Regulation (EC) No 282/2004, Article 2 of Regulation (EC) No 136/2004, Article 6 of Regulation (EC) No 669/2009 or Article 7 of Regulation (EU) No 884/2014.
32. In Narva BCP, some single pre-notifications were done manually for hides. The operator responsible for these imports has an office in Narva and brings the manifests in person to the BIP.
33. The importers have to make their import declarations electronically into the Customs database COMPLEX. The commodities are flagged in the database with different colour codes based on different criteria. The different colour codes inform the officers as to which kind of controls the consignments have to be subjected (green, no controls needed; yellow, subject to documentary control; orange, subject to more thorough documentary control and red, subject to physical control). The consignments subject to veterinary controls flag up yellow in the system and can only be released after the veterinary controls required have been carried out. The specific requirements regarding the controls appear in a separate instructions box. When the veterinary controls are carried out and the consignment can be released, this shows up in COMPLEX as a short report.
34. The operators have to submit the reference number of the Common Veterinary Entry Document (CVED) or Common Entry Document (CED), respectively, directly into COMPLEX (part of the single Customs window system). In that case COMPLEX performs an automatic check of certain parameters between CVED data and the import declaration (for example, CN codes, country of origin, total weight of the consignment). If there is a mismatch or data are incorrect this will flag up in the system and lead to a

“manual” control. In addition, operators can upload the CVED or CED in any electronic format.

35. According to the agreement between the VFB and Customs, the heads of the BIPs have access to relevant documentation in COMPLEX. The access is of limited value for the BIP staff, as one can only see the historical information and the data covers all imports to Estonia and no selection can be made for a single BIP/DPE/DPI. The heads of the BIPs visited stated that they rarely use COMPLEX.
36. The official veterinarians at Muuga BIP use (beside TRACES) three other databases for import controls, namely the electronic database of the port of Tallinn for checking of arriving ship, the Electronic Maritime Information System (e-mereriik), and the container terminal database for checking of cargo manifests and selection of consignments for checks. All cargo manifests of container ships are checked for the contents (CN codes and description of goods) to identify containers which have to undergo veterinary checks.
37. The audit team verified the operation of COMPLEX in the Customs office at Luhamaa by choosing some consignments at random and checking the data held in COMPLEX, relevant documentation linked to the consignments and the operation of the databases used for selection of cargo manifests at Muuga port.
38. The audit team noted that the time frame for the pre-notification in TRACES varied between the BIPs/DPEs/DPIs at the road (Luhamaa and Narva) and in the harbour. The central authorities explained that due to the time needed for customs clearance/queuing at the Russian side of the border crossing, the operators usually pre-notify the consignments only after they had passed this step. As a consequence, several pre-notification were seen which had been done on the same day. The official veterinarians interviewed in Luhamaa and Narva considered this was a practical solution as it is difficult for importers to predict the time needed for Russian border controls. At Muuga port the pre-notifications were in most cases done in a timely fashion.

5.2.2 *Transshipment procedures*

39. Transshipment procedures as laid down in Article 9.1(a) of Directive 97/78/EC and the minimum and maximum times limits as laid down in Articles 2 and 3 of Commission Implementing Decision 2011/215/EU are incorporated in the BIP manual (points 2.4.1. and 2.4.2).
40. The competent authorities stated that transshipments do not take place at Muuga port.

5.2.3 *Documentary, identity and physical checks*

41. The central competent authorities have issued guidance on the implementation of documentary, identity and physical checks. A checklist for implementation of these checks exists for live animals and food and food and feed of animal origin, but not for products of non-animal origin. Evidence of implementation of the checks as required was available.
42. Evidence was available that all consignments of live animals undergo documentary, identity and physical checks in line with Article 4.1 and 4.2 of Directive 91/496/EEC

and Decision 97/794/EC and in general, a good delivery of official controls was noted at the BIPs.

5.2.3.1 Checks on live animals

43. In 2016 and 2017, the number of definitive imports of registered *equidae* introduced to the EU through Luhamaa BIP was 14 and 10, respectively. Most registered *equidae* passed the BIP as temporary admissions or re-imports (116 in 2016). For commercial imports of dogs, in both years, there were, eight and two respectively and in 2016 two consignments comprised circus animals.
44. The audit team checked the documentation on imports of seven consignments of registered horses, one consignment of circus animals (sea lions) imported in 2016 and of one commercial consignment of dogs. The documentation assessed by the audit team was in conformance with the importing requirements. The competent authorities stated that they had not encountered any documentary shortcomings or animal health or welfare problems with the consignments which were subject to official control.
45. The Estonian authorities highlighted the issues that they face regarding non-commercial imports of pets (comprising many “rescue dogs” that often change the owner later on and thus should fall under commercial imports).
46. Evidence was available that checks of animal welfare conditions were part of documentary and physical checks at the BIPs in line with Article 2(d) of Directive 91/496/EEC and paragraph II of Annex II to Decision 97/794/EC. The checklists used for controls on live animal imports included checks on route plans and livestock transporters documentation, as required by Annex I to Regulation (EC) No 1/2005 (vehicle approved for livestock transport, livestock transporter authorised, etc.).

5.2.3.2 Checks on food and feed of animal origin including sampling

47. Evidence was available that all food and feed of animal origin are subject to documentary checks as required by Article 11.2(b) of Directive 97/78/EC and Annex I to Regulation (EC) No 136/(2004). The competent authority stated that the identity checks carried out comprise in most cases seal checks. Evidence was available that this was done. In one case the identity check done based on suspicion revealed a fraudulent consignment of honey (see below for details.) Evidence was available that physical checks were carried out as required by Annex III to Directive 97/78/EC.
48. At Narva BIP the authorities had not noticed that one consignment of non-heat treated honey had been imported from the Russian Federation with a certificate in which the pages were not numbered and one of the three pages had not been stamped and signed.
49. Two separate annual sampling and monitoring plans and sampling instructions are drawn up by the Surveillance and Control Office of the VFB, in line with Article 1.2 and Annex II to Regulation (EC) 136/2004, namely one plan covering microbiological parameters and parasites and another covering residues, heavy metals and contaminants. The sampling priorities are based on risks, taking into account the import volumes, RASFF notifications, the country of origin of the products, and previous history. Due to the stable pattern of types of imported commodities the annual sampling plans have

remained unchanged or very minor changes have been made between 2016 - 2018. The plans were developed in line with the requirements of point 1 of Annex II to Regulation (EC) No 136/2004.

50. Whilst, the annual sampling plan for year 2017 was delayed and only approved in March, the central authorities stated that actual sampling had commenced in January. In 2018, the VFB delivered its annual sampling plan in January and it aims to get the one for 2019 ready by the end of this year. For the annual residue monitoring plan, this is already planned before the end of the previous year.
51. Whilst the number of consignments sampled has remained the same in 2016, 2017 and 2018, the types of fish consignments sampled at the BIPs have changed slightly (ready to eat fish products are to be sampled in 2018 instead of chilled fish, due to a RASFF notification in 2017). Most sampling is concentrated to the Muuga BIP and most commodities sampled are fish/fishery products.
52. The number of samples taken/consignment for microbiological parameters was in line with the EU legal requirements.
53. The results of the sampling and analysis are entered into TRACES. In some cases the samples taken in 2016 had been incorrectly recorded in TRACES as one sample only, although according to the files checked by the audit team several subsamples had been taken in line with the EU legal requirements (e.g. samples taken for *salmonella* and *listeria*). The sampling and results were correctly recoded in the VFB database JVIS.

5.2.3.3 Implementation of controls on food and feed of non-animal origin

54. All imported consignments have to pass the documentary checks. The central authorities provided the following statistics on imports of food and feed of non-animal origin and controls thereof:

DPE/DPI Data for 2016 and (2017)	Muuga	Luhamaa	Narva	Number of consignments compliant/non compliant
Total number of consignments imported	60 (89)	17 (12)	11 (1)	88/2 (102/2) (one RASFF notification issued)
Number of consignments subject to identity checks	15 (16)	6 (3)	10 (0)	31/0 (19/0)
Number of consignments subject to physical checks	10 (14)	5 (2)	7 (0)	22/1 (14/1)
Number of consignments subject to sampling and laboratory testing	10 (14)	4 (1)	5 (0)	19/1 (14/1)

55. The official controls were carried out in line with the requirements of Article 16 of Regulation (EC) No 882/2004, Article 8 and Annex I to Regulation (EC) 669/2009 and Article 9 of Regulation (EC) 884/2014 good level of delivery of official controls was noted at all DPEs/DPIs, although the audit team noticed some shortcomings related to the documentary checks of products of non-animal origin and animal origin:
- a. In Luhamaa DPE/DPI the staff had noted a clerical error as some consignments of berries had been ticked in the CEDs as to be kept at room temperature although according to the producer's quality certificate they should have been kept chilled.
 - b. For some consignments of food of non/-animal origin that had undergone documentary checks at Luhamaa DPE/DPI there was no link between the official laboratory analysis and the certificate although this is required by Article 4.1 of Regulation (EC) No 884/2014 EU legislation and in one case the analysis had been done in a private laboratory instead of an official laboratory.

5.2.4 Safeguard measures, re-enforced checks regime, reduced checks regime and procedures for channelled, rejected and re-imported consignments

56. The competent authorities were aware of the safeguard measures that have been established based on Article 53(1)(b)(ii) of Regulation (EC) 178/2002.
57. Examples were seen on the correct application of the reduced checks regime as stipulated in Article 10 of Directive 97/78/EC and Annex I to Commission Decision 94/360/EC for milk and milk products for human consumption (50% frequency of physical checks) imported from the Russian Federation.
58. The competent authorities were aware of the reduced checks regime. Evidence was seen by the audit team that there is a mechanism in place to implement re-enforced checks at the BIP when necessary and in line with the requirements of Article 24 of Directive 97/78/EC.
59. Re-imports had taken place in line with Article 15 of Directive 97/78/EC. One consignment comprising frozen pasteurised cream had been re-imported through Muuga from South Korea. The competent authorities had refused the consignment as the commodity was not listed in in the bilateral agreement of export of dairy products between Estonia and South Korea. The consignment was re-imported with the initial export certificate and a non-manipulation certificate after the BIP it was destined to go through had agreed with the reimport. Proof of the arrival of the consignment at the establishment of origin was available.
60. The audit team checked some files where the documentary, identity or physical checks had resulted in the consignments being rejected. Evidence was available at the BCPs visited that the consignments that had been rejected had been adequately destroyed or re-dispatched to the country of origin in line with Article 17 of Directive 97/78/EC. For example Luhamaa BIP had rejected two consignments in 2017 as the veterinary certificate was missing or not correct for the consignment intended to be imported (one consignment comprised of badger fat capsules which were tried to be imported as a food supplement instead of a meat product and the other consignment comprised fish oil capsules lacking a veterinary certificate). The competent authorities at Muuga

BIPs/DPE/DPI had rejected two consignments in 2017 that had arrived without relevant health certificates (one consignment of a milk-based sport drink powder and one consignment of a food contact material).

5.2.5 Decisions on consignments and follow-up

61. The decisions taken by the official veterinarians at the BIPs/DPEs/DPIs when non-compliances were detected were in general in line with the requirements of Articles 18, 19 and 21 of Regulation (EC) No 882/2004, Articles 11 and 12 of Directive 91/496/EEC, Article 17(2) of Directive 97/78/EC, Article 13 of Regulation (EC) No 669/2009 and Article 12 of Regulation (EC) No 884/2014.
62. The audit team noted that BIPs had triggered the RASFF when unsatisfactory results were received from the laboratory. The competent authorities had (with the exception of a case of fraudulent honey, see finding 64), informed the Commission in line with Article 5 of Commission Regulation (EU) No 16/2011.
63. In some cases the decisions/follow-up actions were not taken in a timely manner and in line with Article 17, point 2b of Directive 97/78/EC:
 - a. A consignment of 18,560 kg declared as honey had arrived on 27 August 2017 in Muuga port without a timely and correct pre-notification and only with a phytosanitary certificate. The health certificate issued on 6 November 2017 by the US authorities stated that the consignment was honey of US origin. The certificate lacked relevant details (no destination given, no seal and container numbers). The identity check carried out on 23 November 2017 revealed that the commodity was in fact rice fructose syrup from China. The goods were also expired (production date August 2011, shelf-life three years). According to the central competent authority, based on the interview with the importer, this was the first consignment of a total of 300 'honey' consignments destined for import to the EU. The competent authorities wrote to the US authorities on 15 January 2017 asking for confirmation to accept the re-export of the consignment. No answer had been received at the time of the Commission audit. The food business operator was ordered on 5 February 2018 to send consignment for destruction at the latest by 18 February 2018, but this had not yet happened. The competent authorities stated in the closing meeting that the state will organise the destruction of the consignment and that it will initiate a RASFF notification¹ and inform the Commission's Food Fraud network.
 - b. The audit team noted that a consignment of frozen fish which was found to be heavily infested with *Anisakis* spp. larvae when tested in the framework of random monitoring had led to a RASFF notification on 10 November 2017. Since then the consignment had been blocked at the food business operator's premises and under the control of the local veterinary authorities. The competent authorities responsible for the controls (the local veterinary authorities and the Food department of the Ministry) had decided only during the current audit on the fate

¹ The RASFF notification 351419 Ref 2018.0584 was made on 6 March 2018.

of the consignment (to be sorted out according to the level of infestation for human consumption and non-human consumption).

Conclusions on implementation of official controls on imported goods

64. Official controls on imports of live animals and feed and food of both animal and non-animal origin were, for the most part, carried out properly by the competent authority with minor shortcomings noted in relation to the implementation of documentary checks. The fraudulent honey case, whilst an isolated example, demonstrates that improvements in the system are needed since the failure to notify other Member States in a timely manner may have resulted in more of this falsified material being imported into the Union.

5.3 FOLLOW-UP OF RECOMMENDATIONS FROM THE PREVIOUS AUDIT REPORT DG(SANTE) 2013-6897

65. One recommendation from the above audit report was followed up during the current audit: *To implement actions to ensure that the responsible BIP receives all information provided by the TRACES system about non-conforming consignments destined for the approved customs warehouses in order to fully implement the requirement of Article 2 of Decision 2000/571/EC.* The Estonian authorities had tried, in collaboration with the Commission's TRACES team to address this shortcoming. The long standing issue (the correspondence started in 2013) was solved very recently as BIP Muuga was listed as a “super-local veterinary unit (LVU)” in TRACES in February 2018 which allows it to issue CVEDs and receive notifications.

5.4 SUITABILITY OF FACILITIES

66. The facilities, equipment were adequate in Narva and Muuga and in line with the requirements of Article 4(2)(d) of Regulation (EC) No 882/2004, Annex II to Directive 97/78/EC, Commission Decision 2001/812/EC, Article 6 of Regulation 669/2009 and Article 4 of Regulation 882/2014. At Luhamaa BIP the facilities and equipment handling live animals were adequate and in line with the requirements of Annex A to Directive 91/496/EEC. No medicines or equipment was available for emergency killing of animals. The staff stated that in case of emergency they would rely on the staff from the nearby regional veterinary office. So far such situations have not occurred.
67. The central authorities stated that BIP Paldiski has not been operational since 2004. It is for this reason that is merged administratively with Muuga BIP in case imports should occur. However, it is kept authorised as the port authorities who own the properties wish to keep it listed.
68. Paldiski had adequate facilities at the time of listing but the facilities are now not operational and the audit team noted shortcomings related to both equipment and hygiene:

- The BIP had been stripped of most of its equipment (thermometers, scales, knives, etc.).
 - The water was turned off, as also the cooling systems for the storage facilities.
 - The premises were dirty and the cleaning equipment was in unacceptable condition.
 - The computers were outdated.
 - The central authorities stated that in case the premises would receive chilled or frozen goods, the temperatures would be automatically recorded in the computerised system (no temperature indicators were available inside or outside of the storage rooms).
69. The audit team noted some shortcomings in Luhamaa BIP:
- There were problems with the lay-out as there is a risk of cross-contamination regarding products for human and non-human consumption.
 - The automatic temperature measuring devices in the storage rooms for frozen and chilled products stopped working after being refurbished at the start of 2017.
 - No records were kept on the temperatures of the sample freezer and fridge. The competent authorities stated that they would measure the temperatures of the fridge/freezer when samples are in, and they are sampled, but no records of the temperatures are kept (except on the sampling sheets).
 - There were no pallets available in any of the storage rooms.
 - The table saw had no visible blade. None of the staff was able to use the saw and demonstrate that it had a blade.

The central competent authorities stated that a budget has been approved for refurbishment, commencing March 2018, which will enable correct flows of consignments and restore the functioning of the temperature measuring devices.

Conclusions on the suitability of facilities

70. The facilities, equipment and hygiene of the BCPs were adequate in the Narva and Muuga BCPs. In Luhamaa BIP the facilities and equipment for handling of live animals were adequate the shortcomings identified should be rectified by the planned refurbishment. The BIP Paldiski has not been operational since 2004 and whilst the building is adequate in principle, the fact that it has been stripped of most of the equipment required for conduct of import controls means that it is not fit for purpose and should not remain listed unless refurbished.

6 OVERALL CONCLUSIONS

There is a suitable framework of official controls in place, implemented by a well-organised and trained competent authority and supported by detailed guidance documents and information technology systems which contribute to effective planning and consistent

implementation of controls. The controls were, for the most part, carried out properly by the competent authority and in line with EU requirements. Only minor shortcomings were found in relation to the implementation of some documentary checks.

Notwithstanding the overall good performance, the audit did identify one case (attempted importation of fraudulent 'honey') where the failure of the authorities to notify other Member States in a timely manner may have resulted in more of this falsified material being imported into the Union via other Member States.

As regards the facilities and equipment, these were satisfactory in three of the four sites visited. There is, however, little reason to justify the retention and continued approval of the Paldiski BIP which had been unused since 2004.

7 CLOSING MEETING

A closing meeting was held on 26 February with the representatives of the VFB and Customs. At this meeting, the main findings and preliminary conclusions of the audit were presented by the audit team. The central competent authority did not express disagreement with the findings and conclusions presented and stated that they would initiate the RASFF chain and inform the DG SANTE Fraud unit about the fraudulent consignment of honey by the end of the week.

8 RECOMMENDATIONS

No.	Recommendation
1.	<p><i>To ensure that border rejection notifications are sent to the Commission's contact point without undue delay, as required in Article 5 of Commission Regulation No (EU) 16/2011.</i></p> <p><i>Recommendation based on conclusion: 64</i></p> <p><i>Associated finding: 63</i></p>
2.	<p><i>To ensure that the facilities, equipment and hygiene of the combined border inspection post/designated point of entry/designated point of import in Paldiski either fully satisfy the minimum requirements as stipulated in Article 6 and Annex A of Council Directive 91/496/EEC, Article 4 of Commission Regulation (EC) No 669/2009 and Commission Implementing Regulation (EU) No 884/2014, respectively or are removed from the list of such approved facilities.</i></p> <p><i>Recommendation based on conclusion: 70</i></p> <p><i>Associated findings: 67 and 68</i></p>

The competent authority's response to the recommendations can be found at:

http://ec.europa.eu/food/audits-analysis/rep_details_en.cfm?rep_inspection_ref=2018-6321

ANNEX 1 – LEGAL REFERENCES

Legal Reference	Official Journal	Title
Reg. 178/2002	OJ L 31, 1.2.2002, p. 1-24	Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety
Reg. 136/2004	OJ L 21, 28.1.2004, p. 11-23	Commission Regulation (EC) No 136/2004 of 22 January 2004 laying down procedures for veterinary checks at Community border inspection posts on products imported from third countries
Reg. 882/2004	OJ L 165, 30.4.2004, p. 1, Corrected and re-published in OJ L 191, 28.5.2004, p. 1	Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules
Reg. 669/2009	OJ L 194, 25.7.2009, p. 11-21	Commission Regulation (EC) No 669/2009 of 24 July 2009 implementing Regulation (EC) No 882/2004 of the European Parliament and of the Council as regards the increased level of official controls on imports of certain feed and food of non-animal origin and amending Decision 2006/504/EC
Reg. 16/2011	OJ L 6, 11.1.2011, p. 7-10	Commission Regulation (EU) No 16/2011 of 10 January 2011 laying down implementing measures for the Rapid alert system for food and feed
Reg. 284/2011	OJ L 77, 23.3.2011, p. 25-29	Commission Regulation (EU) No 284/2011 of 22 March 2011 laying down specific conditions and detailed procedures for the import of polyamide and melamine plastic kitchenware originating in or consigned from the People's Republic of China and Hong Kong Spec

Reg. 884/2014	OJ L 242, 14.08.2014, p. 4-19	Commission Implementing Regulation (EU) No 884/2014 of 13 August 2014 imposing special conditions governing the import of certain feed and food from certain third countries due to contamination risk by aflatoxins and repealing Regulation (EC) No 1152/2009
Dir. 91/496/EEC	OJ L 268, 24.9.1991, p. 56-68	Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organization of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC
Dir. 97/78/EC	OJ L 24, 30.1.1998, p. 9-30	Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries
Dec. 94/360/EC	OJ L 158, 25.6.1994, p. 41-45	94/360/EC: Commission Decision of 20 May 1994 on the reduced frequency of physical checks of consignments of certain products to be implemented from third countries, under Council Directive 90/675/EEC
Dec. 2000/571/EC	OJ L 240, 23.9.2000, p. 14-18	2000/571/EC: Commission Decision of 8 September 2000 laying down the methods of veterinary checks for products from third countries destined for introduction into free zones, free warehouses, customs warehouses or operators supplying cross border means of sea transport
Dec. 2001/812/EC	OJ L 306, 23.11.2001, p. 28-33	2001/812/EC: Commission Decision of 21 November 2001 laying down the requirements for the approval of border inspection posts responsible for veterinary checks on products introduced into the Community from third countries
Dec. 2004/292/EC	OJ L 94, 31.3.2004, p. 63-64	2004/292/EC: Commission Decision of 30 March 2004 on the introduction of the Traces system and amending Decision 92/486/EEC

Dec. 2011/215/EU	OJ L 90, 6.4.2011, p. 50-52	2011/215/EU: Commission Implementing Decision of 4 April 2011 implementing Council Directive 97/78/EC as regards transshipment at the border inspection post of introduction of consignments of products intended for import into the Union or for third countries
Reg. 1/2005	OJ L 3, 5.1.2005, p. 1-44	Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No 1255/97
Reg. 733/2008	OJ L 201, 30.7.2008, p. 1-7	Council Regulation (EC) No 733/2008 of 15 July 2008 on the conditions governing imports of agricultural products originating in third countries following the accident at the Chernobyl nuclear power station (Codified version)
Reg. 206/2010	OJ L 73, 20.3.2010, p. 1-121	Commission Regulation (EU) No 206/2010 of 12 March 2010 laying down lists of third countries, territories or parts thereof authorised for the introduction into the European Union of certain animals and fresh meat and the veterinary certification requirements
Reg. 605/2010	OJ L 175, 10.7.2010, p. 1-24	Commission Regulation (EU) No 605/2010 of 2 July 2010 laying down animal and public health and veterinary certification conditions for the introduction into the European Union of raw milk and dairy products intended for human consumption
Reg. 798/2008	OJ L 226, 23.8.2008, p. 1-94	Commission Regulation (EC) No 798/2008 of 8 August 2008 laying down a list of third countries, territories, zones or compartments from which poultry and poultry products may be imported into and transit through the Community and the veterinary certification requirements
Reg. 282/2004	OJ L 49, 19.2.2004, p. 11-24	Commission Regulation (EC) No 282/2004 of 18 February 2004 introducing a document for the declaration of, and veterinary checks on, animals from third countries entering the Community

Reg. 885/2014	OJ L 242, 14.08.2014, p. 20-26	Commission Implementing Regulation (EU) No 885/2014 of 13 August 2014 laying down specific conditions applicable to the import of okra and curry leaves from India and repealing Implementing Regulation (EU) No 91/2013
Reg. 142/2011	OJ L 54, 26.2.2011, p. 1-254	Commission Regulation (EU) No 142/2011 of 25 February 2011 implementing Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive
Dir. 90/426/EEC	OJ L 224, 18.8.1990, p. 42-54	Council Directive 90/426/EEC of 26 June 1990 on animal health conditions governing the movement and import from third countries of equidae
Dir. 2002/99/EC	OJ L 18, 23.1.2003, p. 11-20	Council Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption
Dec. 92/260/EEC	OJ L 130, 15.5.1992, p. 67-83	92/260/EEC: Commission Decision of 10 April 1992 on animal health conditions and veterinary certification for temporary admission of registered horses
Dec. 93/197/EEC	OJ L 86, 6.4.1993, p. 16-34	93/197/EEC: Commission Decision of 5 February 1993 on animal health conditions and veterinary certification for imports of registered equidae and equidae for breeding and production
Dec. 2006/766/EC	OJ L 320, 18.11.2006, p. 53-57	2006/766/EC: Commission Decision of 6 November 2006 establishing the lists of third countries and territories from which imports of bivalve molluscs, echinoderms, tunicates, marine gastropods and fishery products are permitted

Dec. 2013/519/EU	OJ L 281, 23.10.2013, p. 20-26	2013/519/EU: Commission Implementing Decision of 21 October 2013 laying down the list of territories and third countries authorised for imports of dogs, cats and ferrets and the model health certificate for such imports
Dec. 2003/779/EC	OJ L 285, 1.11.2003, p. 38-41	2003/779/EC: Commission Decision of 31 October 2003 laying down animal health requirements and the veterinary certification for the import of animal casings from third countries
Reg. 2074/2005	OJ L 338, 22.12.2005, p. 27-59	Commission Regulation (EC) No 2074/2005 of 5 December 2005 laying down implementing measures for certain products under Regulation (EC) No 853/2004 of the European Parliament and of the Council and for the organisation of official controls under Regulation (EC) No 854/2004 of the European Parliament and of the Council and Regulation (EC) No 882/2004 of the European Parliament and of the Council, derogating from Regulation (EC) No 852/2004 of the European Parliament and of the Council and amending Regulations (EC) No 853/2004 and (EC) No 854/2004

APPENDIX – SPECIFIC LEGAL REQUIREMENTS RELATED TO SPECIFIC PROVISIONS AND MEASURES

SPECIFIC CHAPTER IN THE REPORT	SPECIFIC PROVISIONS AND MEASURES	APPLICABLE LEGISLATION– LEGAL REQUIREMENTS CORRESPONDING TO THE SPECIFIC PROVISIONS AND MEASURES							
		REG. 882/2004	DIR. 97/78 PRODUCTS OF ANIMAL ORIGIN	REG. 136/2004 PRODUCTS OF ANIMAL ORIGIN	DEC. 97/794 LIVE ANIMALS	DIR. 91/496 LIVE ANIMALS	REG. 669/2009 PRODUCTS OF NON-ANIMAL ORIGIN	REG. 884/2014	OTHER RELEVANT LEGISLATION
5.1.2	COMMUNICATION AND CO-OPERATION BETWEEN COMPETENT AUTHORITIES	ART. 24		ART. 6					
5.1.3	RESOURCES AND TRAINING OF STAFF	ART. 6							
5.1.4	ADMINISTRATIVE PROVISIONS FOR IMPLEMENTATION OF EU-RULES AND PLANNING	ART 8.1.							
5.1.5	USE OF TRACES			ANNEX III					DEC. 2004/292, ARTICLES 2 AND 3, REG. 282/2004,
5.1.6	USE OF OTHER DATABASES IN RELATION TO IMPORT CONTROLS		ART. 3.3						
5.1.7	ENFORCEMENT MEASURES AND SANCTIONS	ARTICLES 54 AND 55							
5.1.8	VERIFICATION MECHANISMS	ARTICLES 4.6 AND 8.3							
5.2.1	PRE-NOTIFICATIONS AND SYSTEMS TO ENSURE THE PRESENTATION OF IMPORTED CONSIGNMENTS FOR CONTROLS	ART. 17		ART. 2		ART 3.1.A	ART. 6	ART. 7	REG. 282/2004, ART 1.1, REG. 885/2014, ART 7,
5.2.2	TRANSHIPMENT PROCEDURES		ART 9.1.A						DEC. 2011/215/EU, ARTICLES 2 AND 3

5.2.3	DOCUMENTARY ¹ , IDENTITY AND PHYSICAL CHECKS	ART.16	ARTICLES 4, 11.2, ANNEX III	ART. 1.2 AND ANNEXES I AND II	COMPLETE DECISION	ARTICLES 2(D) ,4.1 AND 4.2	ARTICLES 8.1 AND ANNEX I	ARTICLES 4.1. AND 9	ANNEX I TO REG.1/2005
5.2.4	SAFEGUARD MEASURES, RE-ENFORCED CHECKS REGIME, REDUCED CHECKS REGIME AND PROCEDURES FOR CHANNELLED, REJECTED AND RE-IMPORTED CONSIGNMENTS	ARTICLES 15.5 AND. 23.2	ARTICLES 10, 15, 17, 22 AND 24	ANNEX II, POINT 1			ART 1		REG.178/2002, ART 53.1, DEC. 94/360, ANNEX I
5.2.5	DECISIONS ON CONSIGNMENTS AND FOLLOW-UP	ARTICLES 19, 20 AND 21	ART. 17.2.			ARTICLES 8.3., 11.2 AND 12	ART. 13	ART. 12	REG. 16/2011, ART 5,
5.2.6	SUITABILITY OF FACILITIES	ART. 4.2.D	ART. 6 AND ANNEX II		ANNEX II	ART. 6 AND ANNEX A	ART. 4	ART. 8	DEC. 2001/812

¹ Documentary checks during this audit covered, in addition to the legislation given in the table, the following:

1. Products of animal origin: Common veterinary entry document (Annex III of Reg.136/2004), general requirements of authorisation of imports of products of animal origin (Dir. 2002/99) certification requirements: meat of ungulates (Reg.206/2010), poultry meat and poultry products (Reg. 798/2008), casings (Dec. 2003/779), milk and dairy products (Reg. 605/2010), fishery products (Dec.2006/766), honey (Reg. 2074/2005), bovine hides (for technical use) Reg.142/2011
2. Live animals: Common veterinary entry document (Annex I of Reg. 282/2004, certification requirements: live horses, semen, ova and embryos (Dir. 90/426, Decisions 92/260 and 93/197), imports of dogs, cats and ferrets (Dec. 2013/519/EU), circus animals (Art. 8 of Dir. 496/EEC)
3. Products of non-animal origin: Certification requirements: Agricultural products originating from third countries following the accident at the Chernobyl nuclear power station (Reg. 733/2008), Polyamine and melamine plastic kitchenware from China (Reg. 284/2011).