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FINAL REPORT OF AN AUDIT
CARRIED OUT IN
SPAIN
FROM 11 TO 21 SEPTEMBER 2012
IN ORDER TO EVALUATE THE SYSTEM OF IMPORT CONTROLS FOR PLANT HEALTH

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

This report describes the outcome of an audit carried out in Spain from 11 to 21 September 2012. The objectives were to audit the capability and the performance of the official bodies responsible for import controls and the adequacy and effectiveness of import checks carried out for plant health purposes to ensure compliance with EU requirements.

The import control system in Spain is largely in line with requirements of the EU legislation. The staff of the inspection posts is employed by the Ministry of Finance and Public Administration and their work is coordinated by the Ministry of Agriculture, Food and Environment. The system ensures uniform and efficient control practice, which is implemented effectively at the inspection posts. There is sufficient cooperation with Customs and port/airport authorities. Inspection facilities established at the ports/airports contribute significantly to the appropriateness of the controls.

However, certain shortcomings were identified:

- There are no phytosanitary controls on regulated articles arriving from the Canary Islands,*
- Plant health checks do not address the phytosanitary risk entirely as the risk based sampling approach is not always applied for the detection of incidental latent infection/infestation;*
- Checks on wood packaging material are not adapted to the new plant health risks as there are no visual inspections or laboratory sampling on consignments, bearing the ISPM-15 mark in order to detect the efficiency of the heat treatment;*
- The phytosanitary fees do not always reach the minimum level, required by EU legislation.*

In addition documentary checks, import procedures for scientific purposes, notification of interceptions are not fully in line with EU requirements. However, these non-compliances do not reduce significantly the efficiency of the controls.

Recommendations are made in the report to address the deficiencies found.

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ABBREVIATIONS AND DEFINITIONS USED IN THIS REPORT

Abbreviation	Explanation
AC	Autonomous Community
API	Approved place of inspection – a place of destination approved by the responsible official body and the Customs authorities responsible for the area where that place of destination is located, as referred to in Article 13c(2)(d) of Council Directive 2000/29/EC and Article 1(2)(b) of Commission Directive 2004/103/EC
CEXVEG	IT system and database with web-link for the registration and administration of phytosanitary import controls, operated by the Ministry of Agriculture, Food and Environment
CIRCA	Communication and Information Resource Centre Administration Website of the European Commission, with access for the Member States administrators
Customs clearance	Release of consignments into free circulation into EU after the completion of Customs formalities
EC	European Community
EU	European Union
EUROPHYT	European Network of Plant Health Information Systems – in this report it refers only to the component constituting the EU notification system for interceptions for plant health reasons
EUROSTAT	The statistical office of the European Union
FVO	Food and Veterinary Office
HO	Harmful organism, as referred to in Article 2(1)(e) of Council Directive 2000/29/EC
Inspection post (at or near the point of entry)	Place at the point of entry or any other place close by, other than place of destination, designated by both Customs authorities and the responsible official body, as referred to in Article 13c(2)(b) of Council Directive 2000/29/EC and Article 1 of Commission Directive 98/22/EC
ISPM	International Standards for Phytosanitary Measures, issued by the International Plant Protection Convention
IVIA	Institute for Agricultural Investigations (<i>Instituto Valenciano de Investigaciones Agrarias</i>)
MAGRAMA	Ministry of Agriculture, Food and Environment (<i>Ministerio de Agricultura, Alimentación y Medio Ambiente</i>)
MINHAP	Ministry of Finance and Public Administration (<i>Ministerio de Hacienda y Administraciones Públicas</i>)

MS	Member State of the EU
NRL	National Reference Laboratory
PC	Phytosanitary Certificate
PHMD	Plant Health Movement Document
Regional coordinator	Plant health inspector, responsible for the coordination of the work of the inspection posts in the plant health region (there are ten corresponding regions in Spain)
Regulated articles	Refers to those items for which a official phytosanitary certificate is required for import into the Community, which includes those items listed in Annex V, part B to Council Directive 2000/29/EC
SA	Single Authority in the meaning of the Article 1(4) of Directive 2000/29/EC
Sub-directorate	Sub-directorate General of Sanitary Agreements and Border Control of the Ministry of Agriculture, Food and Environment (<i>Subdirectorato General de Acuerdos Sanitarios y Control en Frontera</i>)
TARIC	Integrated Tariff of the European Communities (<i>Tarif Intégré de la Communauté</i>)
WPM	Wood packaging material

1 INTRODUCTION

The audit took place in Spain from 11 to 21 September 2012 as part of the Food and Veterinary Office's (FVO) planned audit programme.

The audit team, which consisted of two inspectors from the FVO and one national expert from a Member State, was accompanied throughout the audit by representatives of the Ministry of Agriculture, Food and Environment (MAGRAMA).

A questionnaire was sent to the Spanish authorities in advance of the audit, which was completed and returned to the FVO, assisting the planning and conduct of the audit.

An opening meeting was held on 11 September 2012 in Madrid at MAGRAMA premises, during which, the objectives and itinerary for the audit were confirmed. A closing meeting was held at the same location on 21 September 2012.

2 OBJECTIVES

The objectives of the audit were to evaluate

1. the capability and the performance of the official bodies responsible for implementing relevant European Union (EU) legislation in the sector audited;
2. the procedures for importing consignments of regulated plants, plant products and other objects into the EU, and the adequacy and effectiveness of import checks carried out for plant health purposes to ensure compliance with EU requirements; this includes imports under Commission Directive 2008/61/EC.

In pursuit of these objectives, the following sites were visited:

Visits		No.	Comments
Single authority	Central	1	MAGRAMA
Other responsible official bodies	Central, regional	5	Representatives of Airport/seaport authorities at every inspection post visited
Other authorities	Customs	6	Representatives of the National Headquarters and local/regional customs offices at inspection posts
Others	Importers, agents	5	Representatives of importers, forwarders and agents at every inspection post visited
Inspection posts	Airports	2	Madrid, Barcelona
	Sea Ports	3	Algeciras, Valencia, Barcelona
Laboratory		2	NRL for arthropods in Madrid, NRL for viruses and bacteria in Valencia
Authorised importers for trial or scientific purpose		2	Authorised importers of <i>Citrus</i> , <i>Prunus</i> and <i>Vitis</i> species
Place of control on the production site after import		1	Importer/trader of bonsai plants

3 LEGAL BASIS

The audit was carried out under the general provisions of EU legislation, in particular Article 21 and Article 27a of Council Directive 2000/29/EC.

3.1 RELEVANT EU LEGISLATION

All EU legislation referred to in this report is listed in Annex 1 to this report. References to legislation are to the latest amended version, where applicable.

3.2 STANDARDS

International Standards for Phytosanitary Measures (ISPMs) are issued by the International Plant Protection Convention and are therefore recognised international benchmarks for phytosanitary control. Those of particular relevance to this audit are listed in Annex 2 to this report.

4 BACKGROUND

Unless otherwise stated, statistical data in this and the following chapters were provided by the Spanish authorities.

4.1 PREVIOUS RELEVANT AUDITS

The FVO had previously carried out a mission in Spain in 2003 in order to evaluate the system of import controls for plant health (ref: DG(SANCO)9252/2003). The report is available on http://ec.europa.eu/food/fvo/ir_search_en.cfm as are the Single Authority's (SA) comments on the report and its response to the recommendations. A country profile for Spain is also available on the website http://ec.europa.eu/food/fvo/controlsystems_en.cfm?co_id=ES.

4.2 IMPORT DATA

There were phytosanitary checks in Spain on 53,229 and 63,901 consignments of regulated articles in 2010 and in 2011, respectively. In the case of non regulated articles 27,182 and 41,716 consignments were subject to plant health checks in 2010 and in 2011, respectively.

Table 1 lists type of goods, subject to controls, imported mainly from Argentina, Brazil, Canada, Chile, USA, Paraguay and Ukraine.

Table 1 Products and quantities subject to phytosanitary controls

Type of product	2010 (t)	2011 (t)
Non planting vegetables	10,274	12,284
Planting vegetables	7,221	5,679
Fresh vegetables	168,979	129,689
Citrus fruit	144,733	127,772
Other fruits	389,507	348,188
Spices and herbs	9,120	10,329

Type of product	2010 (t)	2011 (t)
Flours	237,992	269,492
Seeds for sowing	13,588	12,981
Other seeds and grains	3,874,992	4,962,056
Soil and growing substrate	7,520	9,286
Plants, plant parts	70,130	131,261
Bark	2,580	3,107
Wood	310,720	117,142
Total	5,247,837	6,139,529

In the framework of bilateral agreements with the Netherlands and France 2,477 consignments were sent to approved places of inspection (APIs) of these countries in 2010 and 2,938 in 2011.

4.3 INTERCEPTION DATA

Spain notified 1,404 interceptions between 1 January 2009 and 31 August 2012 through EUROPHYT. Table 2 provides details on the number and reasons for interceptions.

Table 2 Interceptions of consignments, imported from Third Countries, notified by Spain (source: EUROPHYT)

	2009	2010	2011	2012 I-IX.
Total	355	307	256	129
- with harmful organisms	125	84	114	47
- wood packaging material	146	200	99	64

5 FINDINGS AND CONCLUSIONS

5.1 SINGLE AUTHORITY, RESPONSIBLE OFFICIAL BODIES AND ORGANISATION OF OFFICIAL CONTROLS

Legal requirements

Article 1(4) of Council Directive 2000/29/EC provides that Member States shall ensure a close, rapid, immediate and effective cooperation between themselves and the Commission in relation to matters covered by this Directive and that, to this end, each Member State shall establish or designate a single authority, which shall be responsible, at least, for the coordination and contact in relation to such matters.

Article 2(1)(g) of the same Directive requires that the responsible official bodies in a Member State shall either be the official plant protection organisation set up under the IPPC, or any other State authority established at national level or within the terms established in that Article, at regional level.

Article 2(1)(i) requires Member States to ensure that their public servants and qualified agents have

the qualifications necessary for the proper application of the Directive.

Point 1 of the Annex to Commission Directive 98/22/EC establishes requirements for responsible official bodies in charge of inspection posts, in particular to have access to written, up-to-date national inspection guidelines and Community legislation.

Article 12 of Directive 2000/29/EC requires Member States to organise official checks to ensure compliance with the provisions of the Directive, which shall be carried out in accordance with the terms of that Article.

Findings

5.1.1. Designation of Single Authority and Responsible Official Bodies

According to the provisions of the Spanish Act 43/2002 the Directorate General for Agricultural Production Health of MAGRAMA is the single plant health authority (SA). Its Sub-directorate General of Sanitary Agreements and Border Control (Sub-directorate) acts as the single official body in the field of import controls in technical and operational terms. It is responsible for the transposition of the EU legislation, represents Spain in international fora and maintains the register of importers. The Sub-directorate provides material, necessary for the inspections at the inspection posts and plays a role in communication with stakeholders. The Ministry of Finance and Public Administration (MINHAP) is responsible for the establishment, installation and maintenance of the facilities of inspection posts, employs inspectors and the administrative staff working there. In technical and operational terms the staff at the inspection posts is under the supervision of MAGRAMA.

5.1.2. Staffing provisions

One unit of the Sub-directorate works with issues related to phytosanitary controls on imported articles. At MINHAP one coordinator is responsible for the issues, related to the inspection posts and their staffing.

At the time of the audit 83 inspectors and 38 administrative staff were responsible for phytosanitary checks at 47 inspection posts. Of them, 10 inspectors had an additional task in coordinating the activity of inspection posts in their regions (regional coordinators). The staff of the inspection posts is also involved in phytosanitary export controls. The share of their work, related to import controls depends on the trade flow (*see also chapter 5.1.5*). If necessary, inspectors are redeployed temporarily, in order to deal with seasonal increases in workload at certain inspection posts.

At the inspection posts checked, the FVO team did not note any issue, related to staffing, which could have adverse effect on the implementation of EU rules for import controls.

5.1.3. Staff qualifications, working instructions and internal communication

Inspectors working at the inspection posts are civil servants, employed by the MINHAP. In order to become an inspector, the candidate must have a relevant university degree and has to pass a general public servant competition, organised by MINHAP and pass a competitive examination called by MAGRAMA. The new public servant completes a general induction training course on Spanish public administration and specific training, organised by the MAGRAMA on issues related to the inspection work, followed by a trainee period at an inspection post.

MAGRAMA implements rules and provisions, related to plant health inspections, not requiring

(immediate) legislative steps, in form of circulars. In general the implementation of Commission emergency decisions is ensured via circulars.

There is an Inspection Procedures Handbook under preparation, in order to harmonise inspection criteria and procedures at every inspection post. Its chapters, already in use at the inspection posts, deal with the general administrative procedures and contain inspection protocols for certain commodity groups (*Citrus* fruit, cut flowers, soil and substrates, wood and wood packaging material (WPM), pome fruits). Five inspection protocols (leafy plants, stone fruit, grain, leguminous plants and pulses, vegetables) are expected to be implemented in 2013. During the preparation of the protocols the latest available legal and scientific information and the experience gained during controls are taken into consideration. MAGARMA coordinates the preparation, distribution and regular update of the chapters of the Handbook.

Training courses for inspectors are organised each year on the premises of MAGRAMA and MINHAP on the phytosanitary aspects of the legislation and at the inspection posts and on a wide range of topics related directly to inspections (e.g. plant health problems and risks, practical issues of the inspection, working with IT systems, EUROPHYT). There are also specific training courses on pest identification, organised mainly by the reference laboratories. The list of 2011 training courses was provided to the FVO team. MAGRAMA stated that the aim is to ensure the participation of every inspector on the training events at least once per three years.

Internal communication between MAGRAMA, MINHAP and the inspection posts takes place mainly via the regional coordinators (*see chapter 5.1.5*). Electronic means of communication – e-mails, specific IT systems - are commonly used.

MAGRAMA stated that inspection posts prepare monthly an activity report and send it to the regional coordinator, who compiles them into an activity report of the region, which is then submitted to the Sub-directorate. Every two months the Sub-directorate and the coordinator at MINHAP send an overview about the interceptions in Spain to the inspection posts. MAGRAMA organises annual meeting for the regional coordinators.

The FVO team noted that:

- Copies of the relevant chapters of the Inspection Procedures Handbook were available at the inspection posts visited;
- The administrative and procedural guidelines and inspection protocols are detailed and comprehensive;
- Inspectors in general appeared to be well trained and were aware of all the information, necessary for their work.

5.1.4. Power of inspectors

Based on the provision of Act 43/2000 on Plant Health, inspectors working at the inspections posts have the necessary power to access premises and means of transport, inspect goods, take samples, seize or reject consignments and/or require destruction or appropriate treatment. The Spanish Civil Guard and/or the Spanish Customs Service provide inspectors with the required assistance depending on the circumstances (*see chapter 5.5.3*).

5.1.5. Organisation of official controls

As MAGRAMA and MINHAP have joint responsibility for the inspection posts, any kind of development (e.g. concerning facilities, staff) is centrally planned on a coordinated way between the

two ministries.

For operational purposes, the territory of Spain has been divided into 10 phytosanitary import control zones. The regional coordinator is a phytosanitary inspector, works at one of the inspection posts, supervises and coordinates the activity of the inspection posts in the zone and is responsible for the harmonised application of the national and EU legislation. The coordinators are the contact points between MAGRAMA and MINHAP and the inspection posts. They are responsible for the continuous information flow. The Sub-directorate organises annual meetings for the coordinators, otherwise the communication takes place by electronic means. In order to deal with temporary peaks in import controls the two ministries may agree on temporary redeployment or secondment of the staff at inspection posts.

Since October 2011, a specific IT application, called CEXVEG assists the phytosanitary controls in Spain. The system has different modules (export, import, transit), some of them were under development at the time of the audit. The import module is operated and controlled by MAGRAMA. It has a central database and integrates on-line all inspection posts. It is accessible for registered importers via web-link. At the time of the audit there were over 500 registered external CEXVEG users in Spain.

If the importer has a Spanish tax number, the application for the inspection takes place via an internet link to CEXVEG. Applications received in paper form are entered into CEXVEG by the inspection post staff (*see chapter 5.3.2*). In CEXVEG an electronic file is created on each of the consignment to be inspected. All documents related to the controls are stored in electronic form, including a copy of the phytosanitary certificate (PC). CEXVEG records each step of the work-flow from the application to the customs clearance or refusal, including dates and actors. Several electronic cross check features are used for controlling the applications, the completeness of the dossier and the work-flow. CEXVEG has real-time permanent link to the national database of Customs. It is used for cross checks with customs declarations and for informing Customs about the results of phytosanitary controls.

CEXVEG has several “control profiles” (i.e. pre-set data queries) enabling the ministries, regional coordinators and inspectors to trace back records of any consignment electronically and to analyse data on consignments, interceptions, activity of the inspectors etc. for work planning and/or risk assessment purposes.

As certain CEXVEG modules were still under development at the time of the audit, a parallel IT system was used for recording data of certain consignments. MAGRAMA stated that its aim is to integrate and maintain all import control records in CEXVEG. The system could be adapted to fill data fields of the future European database on imported consignments of regulated articles and might also be able to accept PCs, issued in the framework of electronic certification schemes.

The FVO team noted that apart from CEXVEG, documents related to inspections are filed in paper form at the inspection posts. According to the Spanish legislation, they have to be kept for five years.

Conclusions

The SA is clearly designated. Well trained and competent staff in sufficient number are available for the import controls. Inspectors can rely on general and specific, regularly updated guidelines and manuals. They have the necessary power for their work. Official controls at the inspection posts are carried out according to centrally coordinated, standardised procedures. A streamlined IT system and specific, tailor made IT applications assist the inspections and ensure comprehensive record keeping. The internal communication system enables a proper information flow.

5.2 RELEVANT NATIONAL LEGISLATION AND RULES

Legal requirements

Article 291.1 of the Treaty on the Functioning of the EU requires that the Member States adopt all measures of national law necessary to implement legally binding Union acts.

Findings

MAGRAMA stated that the EU legislation, relevant to import controls had been transposed and the necessary legal framework is established for the implementation of the directly applicable EU legislation. MAGRAMA provided the FVO team with a table of correspondence on the relevant EU and Spanish legislation.

Conclusions

EU legislation, relevant for phytosanitary import controls has been transposed and the directly applicable EU legislation can be implemented.

5.3 IMPORT PROCEDURES

5.3.1 Registration

Legal requirements

Article 13c(1)(b) of Directive 2000/29/EC requires that importers, whether or not producers, of regulated articles must be included in an official register of a Member State under an official registration number.

Article 1(3) of Commission Directive 92/90/EC requires that responsible official bodies list those importers that are able and willing to comply with the obligations included in Article 2 and 3 of the Directive, in an official register under an individual registration number.

Findings

MAGRAMA operates a central register of importers. Each importer and agent, dealing with import of regulated articles via Spanish points of entry has to be registered under a unique identification number. Agents, who deal with import of goods with destination in other MS are also obliged to be registered.

Only registered importers or agents are allowed to apply for phytosanitary import controls. After the submission of the advance notice it is checked, whether the applicant is duly registered (either via CEXVEG automatically or by consulting the register at MAGRAMA).

The FVO team met representatives of importers, agents at every inspection post visited and noted that:

- The stakeholders appeared to be very well informed about the phytosanitary import requirements and about the details of procedures applied at the inspection posts;
- In general they were satisfied with the system of registration, practice of controls and the way of cooperation and information exchange with the staff of the inspection posts (*see chapter 5.3.2*).

Conclusions

Importers and/or agents of regulated articles are registered according to provisions laid down in the

EU legislation. The staff of the inspection posts maintains sufficient cooperation with them.

5.3.2 *Notification of import*

Legal requirements

Article 13c(1)(c)(ii) of Directive 2000/29/EC establishes that airport or harbour authorities or importers or operators give, as soon as they are aware of the imminent arrival of consignments of regulated articles, advance notice thereof to the custom service and the official body of point of entry. Member States may also apply this requirement to land transport, especially where arrival is expected outside normal working hours of the relevant official body.

Article 3(a) of Directive 2004/103/EC requires that importers of consignments for which it was decided that checks may be carried out at an approved place of inspection, shall notify the introduction of the products concerned sufficiently in advance to the relevant official body of destination.

Findings

Spain applies the same system of advance notice at all airports and seaports. (There are no road or rail inspection posts or APIs in Spain.) The consignment may be notified electronically if the importer has a Spanish tax number and has CEXVEG access. Any required document has to be attached to the electronic notification, the originals have to be presented in hard copy at the time of the documentary check. CEXVEG carries out automatic cross-checks with the Customs IT database.

If the importer has no Spanish tax number or the consignment is in transit to an API in the Netherlands or France, the notification is accepted only in paper form.

The deadline for notification is different at the inspection posts, since it is adapted to the trade flow and to the specificity of the transport of the port/airport.

The FVO team noted, at the inspection posts visited, that:

- The importers or their agents confirmed that advance notice is required before the importation of regulated articles;
- The deadline for the notification varied from 30 minutes to 12 hours;
- The administration system and work-flow of the inspection posts make feasible the application of deadlines shorter than those required by EU legislation without compromising the effectiveness of the controls;
- The system of information exchange, applied towards the stakeholders, ensures the smooth operation of controls.

Conclusions

The system of advance notice is in line with the EU rules. There is adequate cooperation with the stakeholders concerning notifications.

5.3.3 *Customs supervision*

Legal requirements

Article 13(1) of Directive 2000/29/EC establishes that regulated articles which come from a third

country and are brought into the custom territory of the EU shall, from the time of their entry, be subject to supervision by customs and the responsible official body.

Article 6 of Commission Directive 2004/103/EC requires that Member States shall ensure cooperation, where applicable, between official bodies and customs offices of point of entry or destination, by means of exchange of relevant information.

Findings

The majority of the inspection posts are situated on the territory of the port/airport and inside the customs area of the point of entry. If the inspection post is not within that customs area the consignment is transported to it under customs seal. The transport has to take place within a given time limit, controlled by Customs. The containers are always opened in the presence of a representative of the Civil Guard.

The Spanish Customs authorities, with the help of MAGRAMA have developed a system of national TARIC codes and sub-codes, referring to the regulated articles, including the country of origin as appropriate. These codes have “flagged” status in the Customs IT system. If the customs declaration indicates a “flagged” TARIC code, Customs carry out an obligatory documentary check, including controls on the presence of the PC and the IT system sends an automatic notification to the inspection post about the arrival of the consignment of regulated article. Customs clearance can not take place before the phytosanitary control procedure is finished and the appropriate electronic message is received from the inspection post.

The FVO team met representatives of the Customs National Headquarters and of the local Customs offices at each inspection posts visited and noted that:

- There is a continuous exchange of information, related to the organisation of phytosanitary controls, between MAGRAMA and the Customs National Headquarters;
- The staff of the inspection post maintained daily contact with the local Customs, the necessary information exchange was ensured;
- A direct link is established between the national database of customs declarations and CEXVEG. It enables automatic flagging of consignments of regulated articles, performs cross-checks between the customs declaration and phytosanitary control data of the given consignment and also facilitates wide range of risk assessments and selection of consignments for physical customs control, associated with plant health risk;
- The customs IT system ensures that all regulated material is identified even if there is no PC attached. Customs clearance takes place only after the phytosanitary procedures are completed.
- Since the " flagging" system is based on customs declarations for imports and national TARIC codes, it does not cover consignments arriving from the Canary Islands. Therefore the inspection posts are not notified about the arrival of regulated articles from the Canary Islands.

Conclusions

The Cooperation with Customs is adequate both at central and local level. The Customs IT system ensures that the regulated articles are identified and cleared for the EU market only after the phytosanitary procedures are finished.

There is no mechanism for identification of consignments of regulated articles moved from the Canary Islands to the mainland of Spain. Consequently such consignments are not subject to phytosanitary controls. This practice is not in line with provisions laid down in Article 13a(1) of Council Directive 2000/29/EC.

5.4 POINTS OF ENTRY, INSPECTION POSTS AND APPROVED PLACES OF INSPECTION

5.4.1 *Points of entry*

Legal requirements

Article 13c(4), of Directive 2000/29/EC requires that Member States forward to the Commission and the other Member States, the list of places designated as points of entry.

Point 3.1 of the Annex to Commission Implementing Decision 2011/787/EU establishes that Member States shall have notified to the Commission the points of entry authorised for the import of tubers of *Solanum tuberosum* originating in Egypt and the name and address of the responsible official body in charge of each point. The Commission shall inform the other Member States and Egypt thereof.

Findings

At the time of the audit, 48 inspection post were operational in Spain at or near the point of entry. There were no APIs in the country. The most recent changes in inspection posts took place in 2010, MAGRAMA informed the Commission and Member States (MS) about them.

Spain has notified to the Commission the points of entry, authorised for the import of potato tubers originating in Egypt (ports of Algeciras, Barcelona, Cartagena, Castellon, Valencia (Sagunto) and Vigo were communicated for the 2010-2011 season). During 2011 and 2012 potatoes were not imported from Egypt via Spanish inspection posts. Certain points of entry have also been authorised for import of oak from the USA (Vigo, Valencia), but these imports are rare.

Conclusions

Spain has communicated the list of places designated as points of entry to the Commission and MS and notified the points of entry for Egyptian potatoes according to the provisions of EU legislation.

5.4.2 *Inspection posts at or near the point of entry*

Legal requirements

Article 13c(2)(b) of Directive 2000/29/EC establishes that identity and plant health checks must (with certain specific exceptions) be made by the official body of point of entry in connection with the customs formalities, either at the same place as those formalities, on the premises of the official body of point of entry or at any other place close by and designated and approved by the customs authorities and by the responsible official body.

The minimum conditions for carrying out plant health checks at such places are established by Commission Directive 98/22/EC.

Findings

Of the five inspection posts visited by the FVO team, four were situated within the area of points of entry under customs supervision. In Barcelona Port the inspection post was outside the customs territory of the point of entry (*see also chapter 5.3.3.*). The FVO team noted that:

- The inspection post were permanently manned;
- At every seaport there were very good facilities for the identity and plant health checks.

Regulated articles, transported in containers are moved to inspection docks, used exclusively by the Plant Health Service. Appropriate space and equipment (forklifts, lighting, inspection tables) was available for unloading, sampling and visual inspection;

- Goods arriving in bulk are inspected on board of the vessel or in a dock, while wood is inspected in a specific dock. In the case of cereals, automatic sampling from the conveyor belt (a facility, established by quality control organisations) can also be used. There was equipment available for sampling bulk consignments at the seaports visited;
- At the airports, there were sufficient inspection facilities. Plant health checks took place in the warehouses of the airport company or at places operated by the forwarders;
- Inspectors had the necessary equipment for appropriate sampling and visual inspections;
- At or close to the places of the visual phytosanitary inspection, there were laboratories with equipment for basic laboratory tests and for the preparation of samples for further analysis;
- Updated lists of laboratories, specifying their competence, were available for the inspectors;
- At the seaports there were places for ambient or cooled storage of the intercepted consignments and/or samples.

Conclusions

All inspection posts visited met the minimum conditions for plant health checks, according to the relevant EU legislation.

5.4.3 Approved places of inspection

Legal requirements

Directive 2004/103/EC establishes the procedures and conditions for carrying out checks of regulated articles at a place other than the point of entry into the Community or a place close by, including requirements for such places of inspection.

Findings

Spain has decided to carry out phytosanitary checks on imports of regulated articles destined for Spain or other MS exclusively at inspection posts at or near the points of entry. The only exception relates to transit to other MS in the framework of bilateral agreements, currently operating with the Netherlands and France.

Conclusions

There are no APIs in Spain. All the consignments with regulated articles, except those ones in transit to the Netherlands and France are checked at points of entry. The system applied is in compliance with the EU legislation.

5.5 IMPORT INSPECTIONS

5.5.1 Documentary checks

Legal requirements

The requirement for documentary checks to be carried out is laid down in Articles 13(1)(ii) and 13a(1)(b)(i) of Directive 2000/29/EC. The requirements for phytosanitary certificates are laid down

in Articles, 13a (3), 13a (4)(b), (c) and (d) of the same Directive.

Findings

A harmonised system of documentary checks is applied throughout the country, according to the national inspection guidelines. CEXVEG records the date and time of the on-line notification. Then an administrator checks, whether all the required documents are attached electronically and if necessary informs the importer about the need of correction.

The required documents have to arrive to the inspection post in hard copy (originals) before the expected time of the inspection. The date and time of the arrival is duly recorded. Inspectors check the correctness of the PC, including verification of the additional declaration and carry out cross checks with other documents (bill of lading, airway bill, invoice etc.).

The FVO team observed documentary checks at the inspection posts visited and noted that:

- The documentary checks were generally meticulous and were carried out in line with the provisions of the EU legislation. However, in certain cases checks on the appropriateness of the additional declaration were not meticulous enough, especially when the declaration was not in Spanish or contained references to the provisions of the EU legislation;
- False PCs, found during former documentary checks were demonstrated to the FVO team;
- In certain cases the phytosanitary control procedures are completed and the customs clearance takes place based on the copy of the PC, if the importer commits to providing the original within a short period;
- In the case of consignments cleared for the EU market after the phytosanitary inspection, the original PC is archived with other relevant documents, received in hard copy for five years;
- In the case of consignments in transit to France and the Netherlands, the PC is stamped and signed as proof of the documentary check and accompanies the consignment together with the plant health movement document (PHMD);
- In the case of an interception, the PC is cancelled with a red triangle stamp, as required by EU legislation.

Conclusions

Documentary checks are in general carried out in accordance with the EU legislation. However, the appropriateness of the additional declaration is not always checked well enough.

5.5.2 Identity checks

Legal requirements

The requirement for, and objective of, identity checks to be carried out are laid down in Article 13a(1)(b)(ii) of Directive 2000/29/EC.

Findings

As Spain does not apply reduced frequency checks, the identity check takes always place together with the plant health check. In the case of transit to the Netherlands and France an identity check may be carried out after the documentary check.

As specified in the MAGRAMA guidelines, the identity check has to verify that the commodities and quantities in the consignment correspond to the data, communicated on the relevant documents,

including the PC. It is checked in particular, whether the consignment contains non-declared regulated articles.

The FVO team witnessed several identity checks and noted that the checks were meticulous and were performed according to MAGRAMA guidelines, in line with the EU rules. The entire container is unloaded, if necessary.

Conclusions

Identity checks are meticulous and carried out in accordance with EU requirements.

5.5.3 Plant health checks

Legal requirements

The requirement for, and objective of, plant health checks is laid down in Articles 13(1)(i) and 13a(1)(b)(iii) of Directive 2000/29/EC. Article 13a(1)(a) states that the formalities referred to in Article 13(1) shall consist of meticulous inspections by the responsible official body on at least each consignment, or in the case of a consignment which is composed of different lots, each lot declared to consist of, or to contain, relevant plants. Article 13(1)(i) states that plant health checks have to ensure that plants, plant products and other objects are not contaminated with Harmful organisms, listed in the relevant annexes of the Directive.

Point 10 of the Annex of Commission Decision 2002/887/EC requires official post entry quarantine for artificially dwarfed plants of *Chameciparis* Spach, *Juniperus* L. and *Pinus* L. originating in Japan. Point 11 of the Annex of the Decision describes the control requirements.

ISPM 31 establishes guidelines for the sampling of consignments.

Findings

Sampling and visual checks on the sample take place according to product specific national guidelines, if they exist or according to general guidelines (*see chapter 5.1.3*).

The FVO team was present during the performance of plant health checks on a wide range of goods from different origins (*Citrus* fruit, tropical fruits, cut flowers, cuttings and propagation material of different ornamental plants in substrate, grafted tomato plants in substrate).

Concerning the sampling of the consignment and the visual examination the FVO team noted that:

- The inspectors followed entirely the provisions laid down in the national guidelines;
- The sampling was random, sub-samples were taken from different parts and lots of the consignment. The procedure (including the number of samples) was broadly in line with the requirements of ISPM-31;
- The plant health checks appeared to be meticulous. In the majority of the cases, samples were inspected on inspection tables, with solid, usually stainless steel surface, with appropriate lighting. Inspectors used inspection tools, such as knives and magnifying glasses;
- Inspectors were aware of the visual symptoms of the harmful organisms (HOs), relevant for the type of the consignment and origin of the goods.

Concerning the procedures beyond visual examination of the samples the FVO team noted that:

- At or close to every place of sampling and visual inspection a laboratory was available, equipped with at least a microscope, equipment and material for appropriate handling of the

samples, taken from the consignment;

- If the HO can not be identified at the inspection post or confirmation is needed, samples are prepared and sent for further analysis to the National Reference Laboratory (NRL), relevant to the HO. The procedure, demonstrated to the FVO team ensured the required plant health safety.

The FVO team visited the NRL for arthropods at the Polytechnic University of Madrid and the NRL for viruses and bacteria at the Institute for Agricultural Investigations (IVIA) in Valencia. It was noted that:

- The laboratories have the necessary facilities, equipment and expertise for the proper identification of the HOs, concerned;
- At the IVIA conditions were fully appropriate for the prevention of the HO escape during the identification procedure.

The FVO team also noted that:

- Inspectors take samples in every case during the visual examination for further analysis, when HO presence is suspected;
- However, samples are not always taken for the detection of a possible latent infection/infestation, even if there is a well-known or obvious risk, relevant to the commodity and the origin. No samples are taken for example from seeds for analysing bacterial or viral infections (e.g. PSTVd, *Clavibacter sp.*, *Xanthomonas sp.*); from propagation material for the detection of viral, bacterial infection (e.g. *Erwinia amylovora*); from bonsai plants other than those imported under derogations; from WPM, in order to monitor the appropriateness of the heat treatment (*see chapter 5.5.7*).

In line with provisions of Commission Decision 2002/887/EC, Spain applies post entry quarantine on naturally and artificially dwarfed plants of *Chamecyparis*, *Juniperus* and *Pinus* species, imported from Japan. After completion of the phytosanitary import control procedures at the inspection post the consignment is customs cleared and transported with a PHMD to the nursery, where the post entry quarantine takes place. The Plant Health Service of the Autonomous Community (AC) of the nursery is informed. Post entry controls are carried out by the phytosanitary service of the relevant AC.

The FVO team visited a nursery, importing bonsai plants from Japan. It was noted that:

- the import and post-entry quarantine procedures, including documentary and phytosanitary controls were carried out according to EU rules;
- There was appropriate cooperation and information exchange between the import inspection post and the Plant Health Service of the AC.

The import control procedure allows plant passport issuance for the relevant articles after the plant health formalities are successfully completed. A plant passport, when required, is attached to the consignment before it leaves the point of entry or, in some cases, is not issued at the time of entry, but after arrival of the consignment to the importers' premises.

The FVO team noted that:

- Plant passports issued included all particulars required for regulated articles, imported from third countries.
- In the case of consignments requiring plant passport, it is checked whether the plant passport is attached and whether it is appropriate. If no plant passport is applied the importer is notified to rectify the situation.

Conclusions

Plant health checks, including sampling are carried out whenever required by EU legislation, according to national guidelines. The sampling procedures and the sample size is largely in line with provisions of ISPM-31. The visual examination, including simple laboratory procedures at the inspection post is in general meticulous. Inspectors have access to appropriate laboratory facilities. The HO identification procedure is assisted by appropriate specific laboratories, if necessary.

The risk based approach is not always applied for sampling of consignments in order to detect latent infection/infestation, even if the risk is well known for the commodity and/or the origin. Therefore it is considered that plant health checks do not ensure entirely the conformity of imported goods with provisions of Article 13(1)(i) of Directive 2000/29/EC.

Post entry phytosanitary controls and controls on plant passports related to import of regulated articles are in line with EU rules.

5.5.4 Reduced frequency of checks

Legal requirements

Article 13a(2), last sub-paragraph of Directive 2000/29/EC permits the possibility for a reduced frequency of plant health checks to be carried out for certain commodities, which are determined in accordance with Commission Regulation (EC) No. 1756/2004.

Findings

Spain does not apply reduced frequency of plant health checks on any regulated article. This was confirmed by all inspectors, Customs and importers or their agents met by the mission team.

Conclusions

Reduced frequency of checks is not applied in Spain. This does not contradict EU legislation.

5.5.5 Checks for non-regulated items

Legal requirements

Article 13(3) of Directive 2000/29/EC requires that Member States shall provide that non-regulated plants, plant products and objects may be subject to supervision.

Findings

Spain applies regular phytosanitary controls on non-regulated articles (mainly on fruit, vegetables and grain). Similarly to the system, applied in the case of regulated articles, specific national TARIC sub-codes identify articles and countries of origin, where Spain considers that plant health import control is necessary. The Customs IT system selects randomly about 15-20 % of the consignments for phytosanitary checks. Specific risks, related to certain products, origins, points of entry may be taken into consideration for fine-tuning the percentage of consignments subject to controls. When a consignment is selected, it is marked and blocked, the inspection post is notified, customs clearance is subject to a favourable result of the phytosanitary check. The sampling and the plant health check procedure is the same as the one, which is applied in the case of regulated articles.

Conclusions

Spain carries out a comprehensive, risk based program of phytosanitary checks on non-regulated

articles.

5.5.6 *Checks for prohibited and non-declared items*

Legal requirements

Article 13b(1) of Directive 2000/29/EC requires that Member States shall ensure that consignments or lots which come from third countries, which are not declared to contain regulated plants, are also inspected if there is a serious reason to believe that regulated plants are present.

The second paragraph of this Article requires that Member States ensure that if a customs inspection reveals that a consignment or lot contains non-declared regulated items, the inspecting custom office shall immediately inform the official body of its Member State.

Article 12 requires Member States to organise official checks to ensure compliance with the provisions of the Directive. Article 4 requires Member States to ban the introduction into their territory of the plants or plant products listed in Annex III, Part A where they originate in the relevant countries referred to in that part of the Annex.

Findings

Provided that the TARIC code is correctly indicated on the customs declaration, the Customs IT system ensures that the inspection post is notified about the consignment, containing regulated articles (*see chapter 5.3.3*).

If non-declared regulated articles are detected during any customs check or it is suspected that the consignment contains regulated articles, the inspection post is informed. Any finding of non-declared regulated articles is taken into consideration during the Customs national and regional risk assessment activity, resulting in the fine-tuning of filters they apply in the IT system.

The Civil Guard and the Customs have joint responsibility in controlling passenger traffic of ports and airports on non-declared articles. The Civil Guard may carry out investigation in the case of suspected fraud with non-declared import of regulated articles.

Conclusions

The controls in place for non-regulated and prohibited items are in line with EU legislation.

5.5.7 *Checks for wood packaging material*

Legal requirements

Annex IV Part A Section I, point 2 of Directive 2000/29/EC includes wood packaging material and other objects originating in certain countries.

Non-regulated articles that may be subject to supervision in accordance with Article 13(3) of the same Directive include wood in the form of dunnage, spacers, pallets or packaging material, which are actually in use in the transport of objects of all kind.

Indent 7 of Point 1 of the Annex to Commission Directive 98/22/EC establishes that Member States should adapt their established programme of plant health checks as quickly as possible in such a way as to meet actual needs, in the light of new plant health risks or any changes in the quantity/volume of the plants, plant products or other objects offered for introduction at the inspection posts.

Findings

Spain carries out regular controls on WPM. During phytosanitary checks on regulated or non-regulated articles the inspectors always check whether there is WPM in the consignment. If WPM is found they control whether the ISPM-15 mark is present. If non-marked WPM is found the consignment is released only after the WPM is replaced with EU compliant material (e.g. re-palletting). The non-compliant WPM is destroyed under Customs supervision.

During Customs physical checks on any consignment, the presence of WPM is controlled by Customs or by technicians, working for the port/airport authorities. If WPM is found, the presence of the ISPM-15 mark is checked. The usual practice is that a picture is taken of the ISPM-15 mark and it is sent for confirmation to the inspection post.

In the seaports, about 5 % of the consignments are subject to Customs physical checks. Representatives of the Customs stated that only a small part of the containers contain WPM at the ports, and consignments with WPM at the airports are rare.

On the request of the plant health service filters were introduced to the Customs IT system, in order to identify consignments with WPM. (Customs representatives mentioned ceramics from China as an example). It is checked whether the WPM is indicated in the declaration. The share of WPM declaration in the given TARIC category influences the level of Customs physical checks on the consignments.

The FVO team noted during the visits at the inspection posts that:

- If WPM is detected the presence of ISPM-15 mark is checked;
- If the ISPM-15 mark is absent or invalid the consignment is intercepted and measures are taken. However, no checks are carried out in order to detect the incidental presence of HOs on the WPM;
- If a valid ISPM-15 mark is found no further systematic or random visual checks are carried out and no samples are taken from the WPM for laboratory analysis, in order to check the efficiency of the heat treatment and ensure that the WPM is free from HOs.

Conclusions

Check on WPM are carried out, when the consignment is subject to either phytosanitary or to Customs physical controls. Filters are applied in the Customs IT system, in order to target WPM.

If WPM is detected, the presence of ISPM-15 mark is checked. WPM without valid ISPM-15 mark is intercepted and destroyed in line with EU rules. However, there are no visual inspections or there is no laboratory sampling on WPM with ISPM-15 mark, despite of regular, numerous EUROPHYT notifications from other MS about WPM interceptions with HOs from certain countries, representing high risk. It is considered that in the case of WPM Spain has not adapted its control programme sufficiently to the new plant health risks as required by indent 7 of Point 1 of the Annex to Commission Directive 98/22/EC.

5.6 IMPLEMENTATION OF DIRECTIVE 2004/103/EC

Legal requirements

Directive 2004/103/EC establishes conditions for performing identity and plant health checks at places other than at the point of entry or nearby. The Directive includes a procedure for moving consignments, for which an identity or plant health check has not been carried out, within and between Member States and establishes a model for the Plant Health Movement Document, that in accordance with Article 1(3)(c) should accompany such movements.

Article 6 requires that, where applicable, Member States shall ensure cooperation between the official bodies and Customs services of the point of entry and the bodies of destination.

The same Directive also establishes the minimum conditions for places of inspection (see section 5.4.3 above).

Findings

In Spain no plant health check are carried out at places other than at the points of entry or nearby. According to the provisions of bilateral agreements with France and the Netherlands the Spanish authorities authorise the transit to APIs in these countries. The latest version of the list of APIs and registered importers in France and the Netherlands is available for the staff of every inspection post.

In the case of transit it is controlled, whether the API indicated on the documents is approved by the importing country and whether the importer/agent is registered in Spain. Fee is charged for the documentary check. A PHMD, fully in line with EU requirements, is issued and the original PC and the customs documents are stamped and signed, indicating the kind of checks. Then the consignment is transferred to the API under customs seal with the customs transit document.(see chapters 5.5.1 and 5.5.2)

The FVO team examined the relevant documents during its visits at the inspection posts and obtained evidence that the above described procedure had been complied with.

Conclusions

In Spain no plant health check are carried out at APIs. The procedures applied in the case of transit to France and the Netherlands are in line with the EU legislation.

5.7 FEES FOR IMPORT CHECKS

Legal requirements

Article 13d(1) of Directive 2000/29/EC establishes the requirement for Member States to ensure the collection of fees to cover the costs of performing the documentary, identity and plant health checks. Article 13d(2) of the Directive permits Member States to collect the fees established in Annex VIIIa to the Directive, or to set the level of their fees on the basis of a detailed cost calculation. Article 13d(3) requires that Member States communicate to the Commission the method for calculating the fees.

Findings

The level of fees is specified in Title V of the Act 43/02 on Plant Health. The fee comprises three parts, corresponding to a check stage applied. In 2012, the fees (indexed according to inflation) were as follows: for documentary check 7.49 € per consignment, for identity check from 7.49 to 15.02 € per consignment depending on the size, for plant health checks the minimum amount is 18.76 €, increased depending on the kind of product and the size of the consignment. No fees are charged for controls on non-regulated articles.

MAGRAMA stated that importers/agents pay the fee through a web application of MINHAP. The fee is calculated automatically, according to the category of the product and declared weight of the goods. When the fee is paid a certificate is issued. Importers/agents have to attach this certificate to the application for phytosanitary checks. As part of the documentary check it is controlled, whether the product and the quantity is properly indicated on the fee payment certificate.

The FVO team checked out the corresponding website of the MINHAP

<https://sede.mpt.gob.es/tasasPDF/prepareTasa?idTasa=055&idModelo=790> and noted that:

- The amounts of fees for documentary, identity and plant health checks are not added up; instead, only a single fee is applied for all control activities (in most cases 18.76 €.);
- In cases of consignments moved to France or the Netherlands with the PHMD, the fee foreseen for a complete control is levied, although only documentary and in some cases identity checks are carried out.

Conclusions

The calculation method of the import fees is not in line with requirements of Article 13d(1) of Council Directive 2000/29/EC. In the majority of cases import fees do not reach the required minimum level.

5.8 IMPORTS FOR TRIALS OR SCIENTIFIC PURPOSES

Legal requirements

Commission Directive 2008/61/EC establishes the conditions under which certain harmful organisms, plants, plant products and other objects listed in Annexes I to V to Directive 2000/29/EC may be introduced into or moved within the Community or certain protected zones thereof, for trial or scientific purposes and for work on varietal selections.

Article 1 establishes that an application shall be submitted prior to the introduction. Article 2 establishes requirements for the approval of applications, monitoring of approved activities, including the quarantine facilities and procedures, including the termination of approved activities. Article 3 requires that a list of introductions and movements of material approved for trial or scientific purposes is submitted to the Commission each year. Annex I includes details of quarantine measures to be applied; Annex II contains a template for the Letter of Authority.

Findings

In order to import specified goods for trials or scientific purposes the stakeholder has to apply at the phytosanitary organisation of the AC where the trial is intended to take place. The applicant has to provide at least the following data: name and address of the stakeholder, scientific name of the plant or HO, kind, origin and quantity of the material, length, nature and aim of the activity, address of the quarantine centre, place of first deposit of material, destruction or treatment procedure of material once the activity has stopped, place of entry and means of transport, name and address of sender.

The AC checks the application and the site, where the trial is intended to take place, according to the provision, laid down in the EU legislation. If the application and the conditions at the trial site are satisfactory, the AC prepares a report to MAGRAMA and informs the stakeholder as well. On the basis of the AC report, the General Directorate of Agricultural Production Health of the MAGRAMA issues the “letter of authority”. It is sent to the applicant and in copy to the AC. The regional coordinator of the foreseen point of entry also receives it together with instructions on the phytosanitary check and sampling.

A PC has to accompany the consignment. The obligatory plant health check takes place at the point of entry. The importer has to notify the inspection post 24 h prior to the arrival of the consignment. Once the plant health inspection is completed, the inspector reports to the regional coordinator and the Sub-directorate. The phytosanitary service of the AC is also informed. Quarantine conditions at the place of the trial are controlled by the AC. The Sub-Directorate informs the Commission and the other MS about the articles, imported under the provisions of Directive 2006/81/EC.

The FVO team visited IVIA, who imports HOs and propagation material (budwood) of *Citrus sp.* from different third countries and *Prunus sp.* from the USA and an agricultural cooperative importer of *Vitis sp.* budwood from the USA and noted that

- In the case of *Citrus sp.*, and harmful organisms, imported by IVIA, the authorisation procedure, the import and quarantine conditions were fully in line with requirements of the EU legislation;
- In the case of *Vitis sp.* imported by the cooperative the authorisation and import procedure and the quarantine conditions at the trial site were appropriate. However, after a one or two years properly completed quarantine period, the importer used the material for commercial purposes (sold it to its members for establishing mother plantations).
- In the case of *Prunus sp.* budwood from the USA, Spain requires the application of the procedure according to Directive 2008/61/EC. However, according to Annex III, Part A point 18 of Council Directive 2000/29/EC import of plants of *Prunus sp.* is allowed from the continental states of the USA. It appears that the Spanish version of the text of the Directive is not fully in line with the English (and French) text and therefore Spain interprets it as if a general import ban would apply.

Conclusions

The import regime and control system on harmful organisms and *Citrus sp.* propagation material for scientific purposes is in line with EU legislation.

In the case of imports of budwood of *Vitis* species from the USA the quarantine conditions were in line with EU requirements. However, is not ensured that the imported quantity is limited, adequate for the proposed activities and the material is not used for commercial purposes as required by Annex I Point 1 first indent of Directive 2008/61/EC.

5.9 EXEMPTIONS FOR SMALL QUANTITIES

Legal requirements

Article 13b(3) of Directive 2000/29/EC provides that requirements in Article 13(1) need not apply to the entry into the EU of small quantities of plants, plant products and foodstuffs, providing there is no risk of harmful organisms spreading in the Community, and that they are intended for use by the owner or recipient for non-industrial and non-commercial purposes.

Findings

MAGRAMA stated that the Spanish legislation does not allow exemptions for small quantities intended for use by the owner or recipient. The Civil Guard is empowered to check personal baggage and requires plant health check, if necessary. The presence of articles, requiring plant health inspection is controlled by the Customs as well, depending on the value of goods. The usual action taken by the relevant authorities is the temporary immobilisation of the articles, until the required documentation is submitted.

Conclusions

Spain does not apply exemptions in the case of import of small quantities and there are procedures in place in order to address attempts of non-allowed imports in passenger baggage.

5.10 NOTIFICATION OF INTERCEPTIONS AND ACTION TAKEN

Legal requirements

Commission Directive 94/3/EC establishes a procedure for notification of interception of harmful organisms or consignments presenting an imminent phytosanitary danger. Its Article 2(1) requires that notifications are sent within two working days and preferably more rapidly in the case of a refusal. Article 2(2) requires that immediately on receipt of a notification the single authority having received the notification shall ensure that the information is sent to its own points of entry in question. Finally, Article 5 states that Member States should preferably make use of the network established by the Commission.

Point 1(e) of the Annex to Commission Directive 98/22/EC requires that the responsible official body in charge of the inspection posts shall have available up-to-date information of interceptions. Indent 7 of Point 1 establishes that Member States should adapt their established programme of plant health checks as quickly as possible in such a way as to meet actual needs, in the light of new plant health risks or any changes in the quantity/volume of the plants, plant products or other objects offered for introduction at the inspection posts.

Article 13c(7) of Directive 2000/29/EC specifies action that should be taken immediately following an interception.

Findings

In the case of intercepted consignments the refusal of entry or destruction are the most common actions taken. Plants, plant products or non-compliant WPM are destroyed usually at an approved incineration place under Customs supervision.

In the case of interceptions for documentary reasons, inspectors request the importer/agent to obtain a correct phytosanitary certificate. If this is not possible, then the consignment is rejected or destroyed.

Although the inspection posts have access to EUROPHYT, inspectors are not entitled to enter information about the notifications into EUROPHYT via its user module. They have to complete a template with the relevant notification data and send it via e-mail to the EUROPHYT coordinator at the Sub-directorate. The data are then checked and entered into the system by the staff of the Sub-directorate. Thereafter the regional coordinator of the inspection post verifies the notification in EUROPHYT.

E-mail notifications of interceptions from other MS, distributed within the EUROPHYT network are forwarded to the inspection posts by the regional coordinator, after filtering them according to the relevance to the work of the given inspection post. MAGRAMA informs regional coordinators about the EUROPHYT data uploaded to the restricted website of the European Commission, accessible for the MS administrators (CIRCA).

The average delay between the date of the interception and date of the notification to EUROPHYT was 169 days in 2009; 98 days in 2010; 26 days in 2011, respectively. However, in the case of interceptions with harmful organisms the delay was 113 days in 2009, 138 days in 2010 and 42 days in 2011 (*source: EUROPHYT*)

Representatives of MAGRAMA stated that in the last years significant efforts were made, in order to shorten the notification time. Since 2011 regional coordinators have been requested to validate the notifications in EUROPHYT within two working days. MAGRAMA intends to continue the improvements. In 2012 a new template will be introduced in CEXVEG, with direct link to the inspection data and it will speed up the notification procedure.

Conclusions

In the case of interceptions Spain applies procedures in line with EU rules. However, despite recent improvements, the average notification time of interceptions to the Commission and MS is still significantly longer than that required by EU legislation.

6 OVERALL CONCLUSIONS

The import control system in Spain is largely in line with requirements of the EU legislation. The staff of the inspection posts is employed by the Ministry of Finance and Public Administration and their work is coordinated by the Ministry of Agriculture, Food and Environment. The system ensures uniform and efficient control practice, which is implemented effectively at the inspection posts. There is sufficient cooperation with Customs and port/airport authorities. Inspection facilities established at the ports/airports contribute significantly to the appropriateness of the controls.

However, certain shortcomings were identified:

- There are no phytosanitary controls on regulated articles arriving from the Canary Islands,
- Plant health checks do not address the phytosanitary risk entirely as the risk based sampling approach is not always applied for the detection of incidental latent infection/infestation;
- Checks on wood packaging material have not been sufficiently adapted to the new plant health risks as there are no visual inspections or laboratory sampling on consignments, bearing the ISPM-15 mark, in order to detect the efficiency of the heat treatment;
- The phytosanitary fees do not always reach the minimum level, required by EU legislation.

In addition documentary checks, import procedures for scientific purposes, notification of interceptions are not fully in line with EU requirements. However, these non-compliances do not reduce significantly the efficiency of the controls.

7 CLOSING MEETING

A closing meeting was held on 21 September 2012 with representatives of the MAGRAMA, Ministry of Finance and Public Administration, Customs and the relevant Port and Airport authorities. At this meeting, the FVO team presented the main findings and preliminary conclusions of the audit. The Single Authority took note of the FVO presentation.

8 RECOMMENDATIONS

The Single Authority in Spain should ensure that:

Nº.	Recommendation
1.	Each consignment of regulated articles, listed in Annex V, Part B, to Council Directive 2000/29/EC, upon its movement from the territory of the Canary Islands to the Mainland of Spain is subject to documentary, identity and plant health checks, as laid down in Article 13a(1) of the Directive.
2.	The appropriateness of the additional declaration is always checked during documentary checks, as required by Article 13a(1)(b)(i) and Article 13(1)(ii) of Directive 2000/29/EC.
3.	Plant health checks ensure the conformity of imported goods with provisions of Article 13(1)(i) of Directive 2000/29/EC, especially as detection of the latent infection is concerned.
4.	Checks on wood packaging material are adapted in the light of new plant health risks as required by Point (1), last indent, of Annex to Council Directive 98/22/EC, especially concerning visual inspection and random laboratory test of wood packaging material from risk origins, bearing ISPM-15 mark.
5.	Fees for import checks cover the costs occasioned by the documentary checks, identity checks and plant health checks as required by Article 13d (1) of Council Directive 2000/29/EC.
6.	Notification is sent to the Commission and other Member States about interceptions no later than two working days after the date of interception, as required by Article 2(1) of Council Directive 94/3/EC.
7.	Compliance with provisions of Annex I Point 1 first indent of Directive 2008/61/EC, is ensured in the case of imports for use in trials, for scientific purposes or for work on varietal selections.

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

http://ec.europa.eu/food/fvo/rep_details_en.cfm?rep_inspection_ref=2012-6313

ANNEX 1 - LEGAL REFERENCES

Legal Reference	Official Journal	Title
Dir. 2000/29/EC	OJ L 169, 10.7.2000, p. 1-112	Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community
Dir. 92/90/EEC	OJ L 344, 26.11.1992, p. 38-39	Commission Directive 92/90/EEC of 3 November 1992 establishing obligations to which producers and importers of plants, plant products or other objects are subject and establishing details for their registration
Dir. 93/50/EEC	OJ L 205, 17.8.1993, p. 22-23	Commission Directive 93/50/EEC of 24 June 1993 specifying certain plants not listed in Annex V, part A to Council Directive 77/93/EEC, the producers of which, or the warehouses, dispatching centres in the production zones of such plants, shall be listed in an official register
Dir. 2008/61/EC	OJ L 158, 18.6.2008, p. 41-55	Commission Directive 2008/61/EC of 17 June 2008 establishing the conditions under which certain harmful organisms, plants, plant products and other objects listed in Annexes I to V to Council Directive 2000/29/EC may be introduced into or moved within the Community or certain protected zones thereof, for trial or scientific purposes and for work on varietal selections (Codified version)
Dir. 98/22/EC	OJ L 126, 28.4.1998, p. 26-28	Commission Directive 98/22/EC of 15 April 1998 laying down the minimum conditions for carrying out plant health checks in the Community, at inspection posts other than those at the place of destination, of plants, plant products or other objects coming from third countries
Dir. 94/3/EC	OJ L 32, 5.2.1994, p. 37-40	Commission Directive 94/3/EC of 21 January 1994 establishing a procedure for the notification of interception of a consignment or a harmful organism from third countries and presenting an imminent phytosanitary danger

Legal Reference	Official Journal	Title
Dir. 2004/103/EC	OJ L 313, 12.10.2004, p. 16-20	Commission Directive 2004/103/EC of 7 October 2004 on identity and plant health checks of plants, plant products or other objects, listed in Part B of Annex V to Council Directive 2000/29/EC, which may be carried out at a place other than the point of entry into the Community or at a place close by and specifying the conditions related to these checks
Reg. 1756/2004	OJ L 313, 12.10.2004, p. 6-9	Commission Regulation (EC) No 1756/2004 of 11 October 2004 specifying the detailed conditions for the evidence required and the criteria for the type and level of the reduction of the plant health checks of certain plants, plant products or other objects listed in Part B of Annex V to Council Directive 2000/29/EC
Dir. 92/105/EEC	OJ L 4, 8.1.1993, p. 22-25	Commission Directive 92/105/EEC of 3 December 1992 establishing a degree of standardization for plant passports to be used for the movement of certain plants, plant products or other objects within the Community, and establishing the detailed procedures related to the issuing of such plant passports and the conditions and detailed procedures for their replacement
Dec. 2005/359/EC	OJ L 114, 4.5.2005, p. 14-19	2005/359/EC: Commission Decision of 29 April 2005 providing for a derogation from certain provisions of Council Directive 2000/29/EC as regards oak (<i>Quercus L.</i>) logs with bark attached, originating in the United States of America
Dec. 2011/787/EU	OJ L 319, 2.12.2011, p. 112-115	2011/787/EU: Commission Implementing Decision of 29 November 2011 authorising Member States temporarily to take emergency measures against the dissemination of <i>Ralstonia solanacearum</i> (Smith) Yabuuchi et al. as regards Egypt
Dec. 2002/887/EC	OJ L 309, 12.11.2002, p. 8-12	2002/887/EC: Commission Decision of 8 November 2002 authorising derogations from certain provisions of Council Directive 2000/29/EC in respect of naturally or artificially dwarfed plants of <i>Chamaecyparis Spach</i> , <i>Juniperus L.</i> and <i>Pinus L.</i> , originating in Japan

Annex 2 – Standards

Standard	Title
ISPM No. 15	International Standard on Phytosanitary Measures Publication No 15, Regulation of wood packaging material in international trade, Food and Agriculture Organisation.
ISPM No. 31	International Standard on Phytosanitary Measures Publication No 31, Methodologies for sampling of consignments, Food and Agriculture Organisation.