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Directorate F - Food and Veterinary Office

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FINAL REPORT OF AN AUDIT

CARRIED OUT IN

THE UNITED KINGDOM

ON 29 AUGUST 2013

IN ORDER TO EVALUATE THE PROPOSED BIP AT LONDON GATEWAY SEAPORT

Executive Summary

This report describes the outcome of an audit carried out by the Food and Veterinary Office (FVO) in the United Kingdom on 29 August 2013.

Its objective was to evaluate a proposed BIP at London Gateway Seaport against the relevant requirements of EU legislation with respect to its listing in Commission Decision 2009/821/EC for the approval categories HC(1) and NHC.

The main findings of the audit were that competent authorities have been assigned who have made a sufficient number of suitably qualified and experienced staff available to start performing import controls. The administrative framework available provides a system to verify the presentation of consignments for veterinary checks at the BIP and provides guidance to ensure that all consignments are checked correctly. A system is in place which aims to verify the correctness of the official controls and the suitability of facilities and equipment, in line with requirements laid down in EU legislation.

The facilities and equipment at the BIP satisfy the legal requirements for the requested approval categories of HC(1) and NHC. No recommendations are addressed to the competent authorities.

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ABBREVIATIONS AND DEFINITIONS USED IN THIS REPORT

Abbreviation	Explanation		
AHVLA	Animal Health and Veterinary Laboratories Agency		
Approval categories	Categories of live animals and animals products for the receipt of which BIPs are approved in accordance with Commission Decision 2009/821/EC, as follows:		
	HC Products fit for human consumption		
	NHC Other products (Products not fit for human consumption)		
	(1) Checking in line with the requirements of Commission Decision 93/352/EEC taken in execution of Article 19(3) of Council Directive 97/78/EC		
BIP	Border Inspection Post as defined in Council Directives 97/78/EC and 91/496/EEC		
CN-Code	The goods nomenclature code as laid down by Annex 1 to Council Regulation (EEC) No 2658/87 (i.e. the Combined Nomenclature)		
Customs	National Customs Authority		
CVED	Common veterinary entry document for products of animal origin as laid down in Annex III to Commission Regulation (EC) No 136/2004 and for live animals as laid down in Annex I to Commission Regulation (EC) No 282/2004.		
DEFRA	Department of Environment, Food and Rural Affairs		
EU	European Union		
FVO	Food and Veterinary Office		
OFI	Official Fish Inspector		
ov	Official Veterinarian		
POAO	Products of animal origin		
TRACES	TRAde Control and Expert System introduced by Commission Decision 2004/292/EC		

1 Introduction

This audit to the United Kingdom took place on 29 August 2013 and was carried out by one auditor from the Food and Veterinary Office (FVO). The audit was undertaken at the request of the central competent authority in addition to the FVO's planned audit programme.

During the audit, the FVO auditor was accompanied by representatives of the central competent authority, i.e. the Department of Environment, Food and Rural Affairs (DEFRA), along with representatives from the Animal Health and Veterinary Laboratories Agency (AHVLA) and the London Port Health Authority.

An opening meeting was held on the same date with the representatives from the above authorities. At this meeting, the objectives of and scope of the audit were discussed and additional information required for the satisfactory completion of the audit was gathered.

2 OBJECTIVES

The objective of the audit was to evaluate a proposed Border Inspection Post (BIP) at London Gateway Seaport against the relevant requirements of EU legislation, with the aim to provide a recommendation with respect to its listing in Commission Decision 2009/821/EC.

The audit scope covered the facilities and equipment. The planned implementation of the import/transit control system at the proposed BIP with respect to the requested approval was discussed with the competent authorities.

In terms of the criteria applied, the assessment was undertaken against the requirements set out in Council Directive 97/78/EC, Commission Decision 2001/812/EC, the relevant implementing Regulations and Decisions, and Regulation (EC) No 882/2004 of the European Parliament and of the Council.

The audit included initial and final meetings with the relevant competent authorities, and a visit on the spot to the proposed facilities.

3 LEGAL BASIS

The audit was carried out under the general provisions of Community legislation, and in particular:

- Article 45 of Regulation (EC) No 882/2004 of the European Parliament and of the Council
 on official controls performed to ensure the verification of compliance with feed and food
 law, animal health and animal welfare rules;
- Article 4 of Commission Decision 2009/821/EC and Article 6 of Council Directive 2002/99/EC.

A full list of the legal instruments referred to in this report is provided in the Annex 1 and refers, where applicable, to the last amended version.

4 BACKGROUND

The last audit concerning the system of import controls in the United Kingdom took place in October 2012, the results of which are described in the DG(SANCO)/2012-6582-MR Final report (hereafter: the 2012 report) and are available on the Internet at:

http://ec.europa.eu/food/fvo/rep_details_en.cfm?rep_id=3003

The central competent authority requested the evaluation of compliance of the proposed BIP at London Gateway Seaport with the requirements for listing in Commission Decision 2009/821/EC for approval categories Human Consumption (HC)(1) and Non-Human Consumption (NHC).

London Gateway Seaport is a container terminal and the operator does not expect to handle bulk cargoes. The first consignment is due at the port on 7 November 2013.

5 FINDINGS AND CONCLUSIONS

5.1 COMPETENT AUTHORITIES

Legal Requirements

Article 4(3) of Regulation (EC) No 882/2004 requires Member States to provide for efficient and effective coordination and cooperation within and between competent authorities. Articles 4 and 6 of the same Regulation require the competent authority to ensure that they have access to a sufficient number of suitably qualified and experienced staff.

Findings

The London Port Health Authority has been nominated as the competent authority responsible for the import/transit controls at the proposed BIP.

The competent authority indicated that the following full time equivalent staff are available to carry out the controls at the proposed BIP: two official veterinarians, four technical staff, two fish inspectors and two administrative staff. The competent authority explained that the number of staff will increase as required in line with the predicted increase in future throughput of the BIP. And that the new BIP will be staffed with experienced staff already carrying out veterinary checks on products of animal origin (POAO) in the existing BIPs at Thamesport and Tilbury.

The competent authority stated that Official Fish Inspectors (OFIs) or Official Veterinarians (OVs) have successfully completed OFI or OV training with refresher courses scheduled in their personal development plans and that administrative staff are trained by OVs to handle Common Veterinary Entry Documents (CVEDs) and associated documents.

The competent authority foresees that the close cooperation between and within competent authorities as described in the 2012 report will be implemented at the port when it becomes operational.

Conclusion

Competent authorities have been assigned who state that they have made a sufficient number of suitably qualified and experienced staff available to start performing import controls.

5.2 VERIFICATION AND REVIEW OF OFFICIAL CONTROLS

Legal Requirements

Article 4 of Regulation (EC) No 882/2004 requires the competent authorities to ensure the impartiality, consistency and quality of official controls at all levels and to guarantee the effectiveness and appropriateness of official controls and under it, competent authorities are required to carry out internal audits, or have external audits carried out. Article 8 states that they

must have procedures in place to verify the effectiveness of official controls, to ensure effectiveness of corrective action and to update documentation where needed.

Findings

The competent authority stated that the system of verification and audit described in the 2012 report will apply at the new BIP. The system is based on the local authority (i.e. London Port Health Authority) being responsible for verification checks at the BIP and audits will be carried out by an OV from the local AHVLA office.

Conclusion

There is a system in place which aims to verify the correctness of the official controls and the suitability of facilities and equipment, in line with requirements laid down in Union legislation.

5.3 IMPLEMENTATION OF OFFICIAL CONTROLS FOR IMPORT

5.3.1 System to ensure presentation of consignments for veterinary checks

Legal Requirements

Decision 2007/275/EC lists the animals and products subjected to veterinary checks at BIPs and Directive 97/78/EC require that MSs shall ensure that no consignment from a third country is introduced into EU territory without having been subjected to the veterinary checks at a BIP.

Regulation (EC) No 136/2004 requires notification of consignments of POAO before their physical arrival on Community territory to the BIP staff.

Regulation (EC) No 136/2004 requires access to Customs databases and participation in information systems in order to ensure that all POAO entering the Union are subjected to veterinary checks.

Findings

The competent authority stated that the national requirements for pre-notification will be implemented at this BIP and that the database operated at the BIP will interface with the database used by the port operator and place restrictions on consignments as required. Consignments subject to veterinary checks will be flagged on the Customs clearance system based on their CN codes and will require a CVED in order to be released.

Conclusion

The system foreseen provides tools to verify that all consignments will be presented and checked at the BIP for import controls.

5.3.2 Procedures for performance and reporting of control activities

Legal Requirements

Article 8 of Regulation (EC) No 882/2004 requires that competent authorities carry out their official controls in accordance with documented procedures, containing information and instructions for staff performing official controls.

Findings

The BIP staff will have access to the BIP Manual which is available on the DEFRA website and is updated regularly. This provides instructions for the performance of and decisions for routine import/transit checks.

The BIP has access to the internet and will have staff with experience of using TRACES. Therefore, once a user account is provided to the BIP, TRACES can be used.

Conclusion

The documented procedures and instructions in place are sufficient to enable staff at the proposed BIP to perform the controls correctly and consistently.

5.4 FACILITIES, EQUIPMENT AND HYGIENE

Legal Requirements

The requirements for BIP facilities, their equipment and hygiene are laid down in Directive 97/78/EC and in Commission Decision 2001/812/EC.

Findings

The proposed BIP is located in the Customs dedicated area of the port.

The proposed BIP contains an appropriate office and separate facilities for handling HC and NHC consignments. These consist of appropriate facilities for unloading, inspecting and storage of HC and NHC products. There are inspection rooms which possess a range of technical equipment that complies with the requirements of the Annex of Decision 2001/812/EC.

The competent authority stated that the OV will be responsible for ensuring that the necessary equipment and facilities as required by Directive 97/78/EC and Decision 2001/812/EC are available within the proposed BIP to enable veterinary checks to be carried out effectively.

There is an SOP detailing the maintenance of the BIP facilities and equipment.

Procedures for cleaning and disinfecting the facilities and for disposal of the waste are in place.

Conclusion

The BIP facilities, equipment and procedures satisfy the legal requirements for the requested approval categories of products.

6 Overall Conclusions

The main findings of the audit were that competent authorities have been assigned who have made a sufficient number of suitably qualified and experienced staff available to start performing import controls. The administrative framework available provides a system to verify the presentation of consignments for veterinary checks at the BIP and provides guidance to ensure that all consignments are checked correctly. A system is in place which aims to verify the correctness of the official controls and the suitability of facilities and equipment, in line with requirements laid down in EU legislation.

The facilities and equipment at the BIP satisfy the legal requirements for the requested approval categories of HC(1) and NHC.

7 CLOSING MEETING

A closing meeting was held on the same day with representatives from DEFRA, AHVLA and London Port Health Authority.

At this meeting, the main findings and the preliminary conclusions of the audit were presented by the auditor. The competent authorities did not express disagreement and pointed out their interest in getting the proposed BIP operational as soon as possible.

8 RECOMMENDATIONS

Following this report, no recommendations are addressed to the competent authorities.

Annex 1 - Legal References

Legal Reference	Official Journal	Title
Reg. 882/2004	p. 1, Corrected and	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. 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
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. 2009/821/EC	OJ L 296, 12.11.2009, p.1	2009/821/EC: Commission Decision 2009/821/EC of 28 September 2009 drawing up a list of approved border inspection posts, laying down certain rules on the inspections carried out by Commission veterinary experts and laying down the veterinary units in Traces
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
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

Legal Reference	Official Journal	Title
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
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
Dec. 2007/275/EC	OJ L 116, 4.5.2007, p. 9-33	2007/275/EC: Commission Decision of 17 April 2007 concerning lists of animals and products to be subject to controls at border inspection posts under Council Directives 91/496/EEC and 97/78/EC
Dec. 93/352/EEC	OJ L 144, 16.6.1993, p. 25-25	93/352/EEC: Commission Decision of 1 June 1993 laying down derogations from the conditions of approval for border inspection posts located in ports where fish is landed
Reg. 2658/87	OJ L 256, 7.9.1987, p. 1-675	Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff