FINAL GENERAL OVERVIEW REPORT OF THE MISSIONS CARRIED OUT IN MEMBER STATES IN ORDER TO EVALUATE THE IMPORT CONTROLS AT BORDER INSPECTION POSTS 2007 – 2009
Executive Summary

This general report provides a summary of the missions concerning import controls for live animals and products of animal origin, which were carried out by the Food and Veterinary Office in all Member States with the exception of Luxembourg during 2007 - 2009.

It gives an overview of how national import control systems in place for products of animal origin and live animals at central, regional and local level operate compared with the EU legislative requirements.

All Member States visited have comprehensive import control systems in place and in the main they work properly. For import controls, responsibilities have been clearly allocated to different authorities and training programmes are implemented for staff performing the controls.

Although Member States generally develop sampling plans to monitor imported consignments, these present great variability in their strategy, levels of sampling and range of products and origins tested which together with the lack of specific legislative requirements makes it difficult to evaluate whether the plans are sufficient to achieve the intended objective.

Fees for import controls are not uniformly applied which increases the risk of trade distortions.

The obligation to notify consignments before their physical arrival is not yet well enforced. This, combined with the unsatisfactory operation of the systems to verify arriving consignments, compromise the ability of the Competent Authorities to ensure that consignments do not avoid the required checks.

The development and implementation of a common computerised system for imports - TRACES - has facilitated and simplified many procedures for border inspection posts and has improved the communication between Member States related to import and transit. It has also facilitated an overview of the pattern of imports into the EU. However, the fact that some of the main importing Member States do not fully use it remains a weakness.

Veterinary checks and decisions taken on consignments are largely correct, but room for improvement has been detected regarding channelled consignments, re-imports and detention procedures.

Improvement was noted in the control of consignments transiting the EU. However, there are still problems in the notification of arrival and confirmation of dispatch of non-EU compliant consignments passing through warehouses and ship suppliers. As a consequence, the risk is increased that if the consignments remain in the EU they will not be detected. Problems also remain regarding notification and monitoring of consignments transhipped at EU border inspection posts, which impedes verification of their exit within the required time limits.
Table of Contents

1 INTRODUCTION ........................................................................................................... 1
2 OBJECTIVES .................................................................................................................. 1
3 LEGAL BASIS ................................................................................................................ 1
4 BACKGROUND .............................................................................................................. 2
5 FINDINGS AND CONCLUSIONS .................................................................................... 3
   5.1 LEGISLATIVE AND ADMINISTRATIVE PROVISIONS .................................................. 3
      5.1.1 Transposition of EU Legislation ........................................................................ 3
      5.1.2 Administrative Procedures .............................................................................. 3
      5.1.3 Monitoring plans for imported consignments .................................................... 3
      5.1.4 Importation of CITES-consignments ................................................................. 4
6 ORGANISATION OF THE IMPORT / TRANSIT CONTROL SYSTEMS ............................... 4
   5.2.1 Veterinary Organisation and Competencies ....................................................... 4
   5.2.2 Control and verification procedures ................................................................... 5
   5.2.3 Instructions and guidelines ................................................................................. 5
   5.2.4 Co-operation with different services involved in import controls ................. 5
   5.3 Operation of import / transit control systems ...................................................... 6
      5.3.1 Documentation and registration ...................................................................... 6
      5.3.2 Implementation of traces ................................................................................. 6
      5.3.3 Procedure for approval or suspension of BIPs ................................................ 7
      5.3.4 Facilities, equipment and hygiene .................................................................... 7
      5.3.5 Measures to ensure presentation of consignments to BIPs .............................. 8
      5.3.6 Veterinary checks ............................................................................................ 8
      5.3.7 Decision on the consignment .......................................................................... 9
      5.3.8 Control of transhipments ............................................................................... 9
      5.3.9 Control of transit consignments ................................................................. 10
      5.3.10 Controls on non-EU-complying consignments ............................................ 11
6 OVERALL CONCLUSIONS .......................................................................................... 11
7 OVERVIEW OF RECOMMENDATIONS MADE TO MEMBER STATES ............................ 12
8 FUTURE ACTION .......................................................................................................... 12
### ABBREVIATIONS AND DEFINITIONS USED IN THIS REPORT

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>ANIMO</td>
<td>ANimal MOvement system as by Commission Decision 1992/486/EEC</td>
</tr>
<tr>
<td>BIP</td>
<td>Border Inspection Post as defined in Council Directives 97/78/EC and 91/496/EEC</td>
</tr>
<tr>
<td>CCA</td>
<td>Central Competent Authority</td>
</tr>
<tr>
<td>CVED</td>
<td>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, as amended; The decision made by the official veterinarian at the BIP and entered on the CVED, as to the outcome of veterinary checks and the resulting fate of consignments</td>
</tr>
<tr>
<td>Decision on the consignment</td>
<td>The decision made by the official veterinarian at the BIP and entered on the CVED, as to the outcome of veterinary checks and the resulting fate of consignments</td>
</tr>
<tr>
<td>FVO</td>
<td>Food and Veterinary Office</td>
</tr>
<tr>
<td>IC</td>
<td>Inspection centre</td>
</tr>
<tr>
<td>Manifest</td>
<td>List of consignments carried by boat, rail or aeroplane arriving in ports/rails/airports of destination</td>
</tr>
<tr>
<td>POAO</td>
<td>Products of animal origin</td>
</tr>
<tr>
<td>RASFF messages</td>
<td>Messages used in the Rapid Alert System for Food and Feed of the European Commission</td>
</tr>
<tr>
<td>SANCO</td>
<td>European Commission’s Directorate-General for Health and Consumers</td>
</tr>
<tr>
<td>TRACES</td>
<td>TRAde Control and Expert System introduced by Commission Decision 2004/292/EC</td>
</tr>
<tr>
<td>EU</td>
<td>The European Union</td>
</tr>
</tbody>
</table>
1 INTRODUCTION

This general report provides an overview of the outcome of 41 missions carried out between 2007 and 2009 in 26 Member States by the Food and Veterinary Office (FVO) of the European Commission's Directorate-General for Health and Consumers (SANCO). These related to the evaluation of the import control systems for live animals and products of animal origin (POAO) and to inspections at EU-approved border inspection posts (BIPs). Inspections were initiated by DG SANCO or following a request from a Central Competent Authority (CCA) to modify the approval of existing BIPs or to approve a new BIP. These missions routinely form part of the annual inspection programme of the FVO.

The Member States visited during these missions and the reference numbers of the specific reports are provided in Annex 1. All reports are available on the European Commission website at:


This report reflects the situation observed at the time of the missions, and some systems may have improved in the meantime. Occasionally, the information obtained was not complete on every aspect for all Member States due to the recent introduction of legislation (e.g. Regulation (EC) No 882/2004) or to the scope of the mission (e.g. approval of new BIP). Apart from this, it is possible to identify the more problematic areas in each individual report. Where significant changes have been observed in subsequent missions, this is indicated in footnotes.

As the conclusions set out in this report cover the totality of the mission series and take account of the different approaches in Member States, they may not be identical to those set out in the individual mission reports.

This series of missions extended over three years. The legal references quoted in this overview report are the ones that were applicable when the missions took place, some of them may have changed since then. Some Member States were visited more than once during that period. This report takes into account the findings of the last visit to each country.

2 OBJECTIVES

The objective of this series was to evaluate the import and transit control systems in place for POAO and live animals and to verify the application of EU requirements in border inspection posts. Additionally, the mission team followed up on action taken by the Competent Authorities in response to recommendations made in previous reports.

3 LEGAL BASIS

The missions were carried out under the general provisions of Union legislation and other general provisions of Union legislation, specifically:

- 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;
The above is complemented by Articles 4 and 5 of Commission Decision 2009/821/EC.

A full list of the legal instruments relevant to this report is provided in the Annex 2 and refers, where applicable, to the last amended version.

4 BACKGROUND

Import conditions are established on the basis of risk, taking into account a variety of factors such as disease outbreaks, trade data, interceptions of unsafe or non-compliant products and scientific evidence. The Commission collects information on the guarantees offered by third countries (applicable legislation, safety standards, control systems, etc). In addition, the FVO carries out inspections in third countries to assess their control systems.

Import conditions and import controls are harmonised at Union level for live animals and POAO and controlled through a system of checks at the EU borders aimed at making sure that the consignments meet EU standards in terms of animal and public health. The final objective of the import controls is to protect the health of European consumers and prevent the introduction of serious animal diseases. The veterinary checks on consignments entering or crossing the UE territory are carried out by official inspection services of the Member States at approved Border Inspection Posts (BIPs) and a considerable body of Union legislation has been developed to regulate and support these controls.

A previous series of missions carried out by the FVO between 2004 and 2006 assessed the import and transit control systems for live animals and products of animal origin in 26 Member States. A general report DG(SANCO)/2007-7617 - GR Final summarising the main findings and conclusions can be found at:

http://ec.europa.eu/food/fvo/specialreports/index_en.htm

This report identified weaknesses in the supervision of channelled, transit and/or non-EU-complying consignments, procedures for veterinary checks, problems with allocation of staff and in the provision of adequate training. Shortcomings in BIP facilities were also pointed out. Although improvement was noted for co-operation between the involved authorities, problems remained at local level regarding access by BIP staff to information on arriving consignments held by other services.

Regulation (EC) No 882/2004 became applicable from 1 January 2006. This Regulation lays down requirements in relation to official controls on food and feed including import controls. The Regulation requires inter alia that adequate training be provided to officials, that checks be based on documented procedures, that official controls be verified to ensure their effectiveness and that they are subsequently audited. Rates are fixed for import fees to avoid trade distortion. It also requires effective and efficient co-operation between authorities, which was already a requirement in specific import control legislation as it is essential that veterinary authorities work closely with Customs at border inspection points where goods or animals may enter in order to achieve effective controls.

The EU animal health strategy prepared for 2007-2013 highlighted the importance of border biosecurity and identified, as a challenge, the need to improve biosecurity without severely disrupting cross-border movement of agricultural goods.
5 FINDINGS AND CONCLUSIONS

5.1 LEGISLATIVE AND ADMINISTRATIVE PROVISIONS

5.1.1 Transposition of EU legislation

Directives 91/496/EEC, 97/78/EC and Council Directive 2002/99/EC lay down the principle that each Member States must ensure that veterinary checks are carried out on relevant consignments before their introduction on the EU territory.

Main findings and conclusions

While the majority of the EU import control legislation has been correctly incorporated in national laws, some differences detected between specific parts of the EU framework (Directives 97/78/EC and 91/496/EEC) and national requirements (e.g. obligation to notify consignments only before being presented to the BIP and not before arrival in the EU territory, no provisions to approve ship suppliers) could lead to the inadequate application of certain provisions. The absence of obligation to notify consignments before their physical arrival into the EU makes it difficult for the BIPs to ensure that all are presented for veterinary checks. Late notifications were observed in most Member States and enforcement of this requirement was found poor in the majority of them.

5.1.2 Administrative Procedures

A large number of Commission Decisions and Regulations detail the application of import control procedures; e.g. animal-by-products, approved third country lists, model health certificates and safeguard measures introduced to prevent potentially harmful commodities being introduced into the EU.

Several pieces of EU legislation require to establish lists linked to controls (Articles 8 (6) regarding channelling and 12 (4) regarding warehouses of Directive 97/78/EC).

Main findings and conclusions

In general, the administrative procedures in place are sufficient to ensure correct application of the EU requirements. However, the fact that not all Member States had lists of establishments approved to receive channelled consignments increases the risk that the relevant requirements may not be correctly applied\(^1\). Warehouses approved to store non-EU compliant consignments are correctly listed.

5.1.3 Monitoring plans for imported consignments

Point 1 of Annex II to Regulation (EC) No 136/2004 requires the establishment of a monitoring plan to detect residues, pathogenic organisms or other substances dangerous to humans, animals or the environment in consignments of POAО presented for import.

Point 4 of Annex II to the above Regulation stipulates that each Member State shall inform the

\(^1\) Since the adoption of Regulation (EC) No 1069/2009 Member State establishments for channeling animal-by-products are included with the remark "CHAN" in the relevant establishment lists published on the Commissions website (http://ec.europa.eu/food/food/biosafety/establishments/list_abp_en.htm) as provided for by footnote 9 in Chapter III of the Technical Specifications.
Commission monthly of favorable and unfavorable results of laboratory testing carried out on samples collected at BIPs.

Main findings and conclusions

All Member States had developed monitoring plans however the implementation of these plans varied. Most Member States complied with the requirement to send results to the Commission services on a monthly basis. The plans presented by Member States were very different in their development, sampling approach, commodities tested and analysis performed.

Whereas legislation requires that monitoring plans must target the nature of the products and the risk they represent with the aim of monitoring conformity with EU or national rules, it does not define the numbers of samples to be taken, the commodities to be tested or their origin. Nor has guidance been provided in this regard and this presents difficulties to the Member States in designing their plans and to the FVO in assessing whether the plans implemented are sufficient to achieve the intended objective.

5.1.4 Importation of CITES-consignments

Based on Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein, list (1999/C 356/02) catalogues all places of introduction and export designated by Member States for trade with third countries in accordance with Article VIII (3) of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). Although not explicitly stated in legislation, in order to prevent consignments subject to veterinary checks being presented to entry points where there is no approved BIP, the list should be consistent with list of approved BIPs contained in the Annex to Decision 2009/821/EC.

Main findings and conclusions

Further progress has been made with harmonisation of entry points listed in the CITES list and the BIPs approved for live animals. This decreases the risk that POAO and live animals listed by CITES are imported without veterinary checks. The Commission Services have developed a guidance document on CITES consignments which should further facilitate the correct application of the requirements by Member States.

5.2 ORGANISATION OF THE IMPORT / TRANSIT CONTROL SYSTEMS

5.2.1 Veterinary Organisation and Competencies

Regulation (EC) No 882/2004 requires Competent Authorities performing official controls to meet certain operational criteria to ensure their effectiveness such as having a clear allocation of responsibilities, sufficient resources at all levels and appropriate training of staff.

Main findings and conclusions

Competences and tasks of the Competent Authorities are generally clearly designated for import controls and the organisations in Member States are sufficient to allow a smooth running of the import control systems.

While training systems are in place to keep BIP staff updated in their areas of competence, their

2 The guidance document for CITES has been published at http://ec.europa.eu/food/animal/bips/guidelines_en.htm.
failure in many Member States to detect the exact needs of the staff and the lack of assessment of the effectiveness of the training provided impedes the ability of these systems to ensure that decisions are taken in a correct and uniform way.

As described in section 8 of this report, the Commission has set up a programme to provide specific training on import controls.

5.2.2 Control and verification procedures

Member States shall ensure that veterinary checks on live animals and POAO from third countries are carried out. Article 8 (3) (a) of Regulation (EC) No 882/2004 requires that Competent Authorities have procedures in place to verify the effectiveness of the official controls they carry out and to ensure that corrective action is taken when needed and Article 4(6) of the same Regulation requires that the Competent Authorities carry out internal audits or have external audits carried out on their control activities.

Main findings and conclusions

Member States have focused more on the development of audits than on the improvement of the existing supervisory systems, where no significant progress has been observed. The failure to include all aspects of the import control system in the verification activities and the incomplete follow-up of the deficiencies observed contributes to the persistence of shortcomings.

Although there has been considerable progress in the implementation of audits (e.g. development of procedures, establishment of audit units, audit programmes), only in three Member States were audits considered fully implemented and effective for the import control system. Audits are not yet fully implemented according to Article 4 of Regulation (EC) No 882/2004 in 23 Member States. Some Member States consider that the audits of the Food and Veterinary Office fulfil, in part at least, their audit requirements.

5.2.3 Instructions and guidelines

Article 8 of Regulation (EC) No 882/2004 requires that Member States carry out official controls in accordance with documented procedures containing information and instructions for staff carrying out official controls.

Main findings and conclusions

Most Member States have documented procedures in place. However, in a number of Member States the lack of sufficient detail in certain procedures, allied with the failure to ensure the completeness of documents used, means that it cannot be fully assured that controls are carried out uniformly and with consistent high quality. The most problematic areas were in relation to live animals and their welfare and specific procedures such as channelling, rejection of consignments and control of warehouses.

5.2.4 Co-operation with different services involved in import controls

Regulation (EC) No 882/2004 requires efficient and effective co-ordination and co-operation between competent authorities. Close co-operation between the various services involved in import controls is required by paragraph 5 (1) of the Annex to Decision 2001/812/EC and is necessary in order to ensure, for instance, that all consignments are being presented for checking at the BIP.
operation and co-ordination is also essential for the exchange of relevant information between services and to ensure access to electronic systems in accordance with Articles 6 and 7 of Regulation (EC) No 136/2004 and Articles 5 and 6 of Commission Regulation (EC) No 282/2004.

**Main findings and conclusions**

Although there was an improvement in the co-operation between different competent authorities involved, direct access by BIP staff to a relevant sub-set of the electronic information held by Customs is not available in most Member States. While Customs generally make this information available to BIP staff on request, the lack of direct access to this, and to data held by operators, hinders the effectiveness and efficiency of controls and increases the necessary resources to carry them out.

### 5.3 Operation of Import / Transit Control System

#### 5.3.1 Documentation and registration

The range of documents which must be available in BIPs is specified in point 3 of the Annex to Decision 2001/812/EC. These documents (legislation, lists of approved establishments, etc.) are necessary to enable BIP staff to carry out import controls correctly and in accordance with current EU legislation.

The registers and records to be maintained in BIPs are specified in points 4 and 5 of the Annex to Decision 2001/812/EC.

**Main findings and conclusions**

The majority of BIP staff have access to the legislation needed to take correct decisions on incoming consignments. However, the lists of bodies approved according to Directive 92/65/EEC, the lists of approved quarantines and the lists of establishments approved to receive channelled consignments (Article 8 of Directive 97/78/EC) were often not available for all BIPs. This may lead to certain products and animals not being properly controlled once they have been introduced into the EU.

Registers and records not contained in TRACES were in many cases not fully complete in many Member States (consignments requiring follow up and rejected consignments). Additionally, for rejected consignments some information required by Commission Decision 97/152/EC cannot be recorded in TRACES.

#### 5.3.2 Implementation of TRACES

Article 3 (3) of Commission Decision 2004/292/EC requires that the TRACES system be used for all consignments presented to BIPs. This system replaced the ANIMO-system which is, in EU legislation, the communication means for specific consignments received at BIPs, e.g. live animals, channelled and rejected consignments, non-EU-complying consignments for transit, warehouse storage or ship supply.

---

3 Since the enforcement of Regulation (EC) No 1069/2009 Member State establishments for channelling animal-by-products are included with the remark "CHAN" in the relevant establishment lists published on the Commissions website (http://ec.europa.eu/food/food/biosafety/establishments/list_abp_en.htm).
Main findings and conclusions

The development and implementation of TRACES has facilitated and simplified many procedures for BIPs and has improved the communication between Member States related to import and transit. It has also facilitated an overview of the imports into the EU. The fact that some of the main importing Member States do not use TRACES weakens its effectiveness in this regard.

TRACES is also not generally used for consignments being transhipped through EU entry points which makes carrying out the required controls more difficult for the BIPs involved.

Where warehouses adjacent to BIPs used TRACES to record consignments, there were problems with duplicate entry of data by BIP and warehouse for the same consignments which diminishes the value of the information in the system.

5.3.3 Procedure for approval or suspension of BIPs

The procedures for addition of new BIPs to and withdrawal of BIPs from the list of BIPs are laid down in Article 6 of Directives 91/496/EEC and 97/78/EC.

Main findings and conclusions

Although many Member States have clear approval and suspension provisions, they do not ensure that all approved BIPs are maintained in compliance with all necessary requirements. The long time needed to re-list a BIP following suspension (as this can only be done when a new BIP list is published by the Commission) means that many Member States are not willing to suspend BIPs even when deficiencies are found and therefore do not use this as a means to enforce compliance.

5.3.4 Facilities, equipment and hygiene

The requirements for BIP facilities, their equipment and hygiene are laid down in Directive 91/496/EEC concerning live animals and in Directive 97/78/EC and Decision 2001/812/EC concerning POAO.

Main findings and conclusions

The maintenance of facilities has improved and supervision from CCA has played a positive role in this. Structural shortcomings were observed in some BIPs visited, particularly in older facilities and BIPs with very little activity where maintenance was sometimes poor and inadequate flows of personnel and goods were frequently observed.

Cleaning, disinfection and pest control programmes were in place in most Member States, but the quality and accuracy of the records kept varied.

While there was a general improvement in the provision of administrative and technical equipment, Member States generally did not implement systems to ensure that BIPs have all necessary

---

4 During the audits carried out in 2011 a significant improvement in the use of TRACES was observed in the main importing MS.

5 The procedure for transhipment in TRACES has been further developed and became operational with TRACES version 5.10 on 02.03.2011.

6 The procedure for consignments dispatched from such warehouses has been modified accordingly and was released with TRACES version 3.3 on 01.03.2010.

7 The two previous findings are addressed in the Guidance Document on transit and transhipment, which is published since May 2011 on the Commissions website under the following address: http://ec.europa.eu/food/animal/bips/guidelines_en.htm.
equipment available and that it was kept updated.

The imprecise legal requirements regarding live animal facilities means there is a wide variation in the standards in BIPs approved to receive live animals.

5.3.5 Measures to ensure presentation of consignments to BIPs

Article 4 (1) of Directive 91/496/EEC and Article 3 (1) of Directive 97/78/EC require that Member States 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. Additionally, Article 7 of Directive 2002/99/EC stipulates that POAO intended for human consumption are introduced only if they comply with the EU requirements for animal health.

Article 2 (1) of Regulation (EC) No 136/2004 requires notification of consignments of POAO before their physical arrival on the EU territory "to the BIP staff". Article 1 (1) of Regulation (EC) No 282/2004 specifies the same for live animals at least one working day before their physical arrival on the EU territory.

Main findings and conclusions

The majority of elements necessary to ensure presentation of relevant consignments for veterinary checks are being implemented but they do not yet operate fully satisfactorily. While the identification of consignments that require veterinary checks by customs systems has improved considerably for imported consignments and for those in transit, the Customs electronic systems do not yet flag these consignments as an aid to their identification in some Member States.

Varied application of the requirement for notification in advance, its poor enforcement and the difficulties in verifying the information received by BIPs weakens the ability of the Competent Authorities to be in a position to verify that consignments do not avoid the required checks.

The fact that there is incomplete information in relation to arriving consignments being transhipped due to poor implementation of the requirements for notification makes it difficult for the BIPs to have an overview of the situation and to control transhipped consignments as required by the legislation.

5.3.6 Veterinary checks

Procedures for veterinary checks on consignments of animal origin or live animals are laid down in Directives 91/496/EEC and 97/78/EC, in Regulations (EC) No 136/2004 and 282/2004 and in Commission Decisions such as 94/360/EC, 97/794/EC and 2001/812/EC.

Main findings and conclusions

Veterinary checks were largely correctly carried out in most Member States visited and by and large can ensure compliance with EU requirements.

Despite some improvements and the availability of model certificates in TRACES problems with documentary checks were noted. Incorrect information in part I of the common veterinary entry document (CVED) is often not identified by the BIP during checks and therefore the information recorded in TRACES is incorrect, thus reducing its usefulness. There also is a common issue where certificates are accepted where inapplicable options were not crossed out although the model is correct. This means that consignments are accepted without the correct certification. At a lesser frequency, certificates were accepted in error which were of the wrong model or were not signed. (These usually could be put down to individual error).

In a number of cases, BIPs were performing seal checks instead of full identity checks in cases not provided for under the provisions of Article 4(4)(a)(ii) of Directive 97/78/EC (i.e. in cases where
seals were not veterinary seals and included in the Health Certificate). Seal checks were not always performed by BIP staff, some reports indicate that the task was delegated to Customs officers and BIP operators in some countries which is not provided for in legislation.

While not a breach of legislation, it was noted that an increasing number of consignments consisted of a large number of containers, this led to variation as to how identity and physical checks were carried out, and also made it difficult to apply the transit requirements properly.

The reports indicate a problem with the system to apply reduced checks. In some cases, it was not ensured that the selection of consignments was carried out in a random manner; in others, the system did not cover all countries or commodities.

Reinforced checks foreseen under Article 24 of Directive 97/78/EC are applied differently in most Member States.

In relation to live animals, laboratory sampling foreseen under the provisions of Commission Decision 97/794/EC is not applied uniformly by Member States and the monthly minimum level foreseen is difficult to apply in practice.

5.3.7 Decision on the consignment

Procedures for the veterinary decision on consignments of animal origin and live animals and the follow up of such specific consignments are laid down in Directives 91/496/EEC and 97/78/EC, in Regulations (EC) No 136/2004 and 282/2004 and in Decisions such as 97/794/EC and 2001/812/EC.

Main findings and conclusions

The veterinary decisions on the consignments were taken properly in most cases, although consignments that shouldn't have been allowed into the EU were accepted in several cases; these generally are individual errors. However, problems were noted with the CVEDs issued (e.g. not complete, wrong boxes ticked), and these problems were considered systematic in two Member States.

Procedures for channelling are not always applied properly; some consignments were not channelled although required and frequently the BIP of entry did not receive confirmation that consignments had reached their intended destination. This means that the system is not fully effective in ensuring that these consignments go to the specific destination intended.

Re-importation of consignments of EU origin is problematic in a number of Member States: there are difficulties linking the consignment to the accompanying documentation and so called "non manipulation certificates" were sometimes missing. These problems increase the risk of re-importation being used fraudulently. The requirement that these consignments should only be consigned to the establishment of origin is problematic for some Member States and not always enforced.

The procedures to detain and reject consignments are quoted frequently in the reports as not being complete or clear for the staff performing them. Problems were noted with the documentation kept in files to demonstrate that detained consignments were always under veterinary control and that rejected consignments were re-dispatched or destroyed.

5.3.8 Control of transhipments

Article 9 of Directive 97/78/EC specifies requirements for consignments in transhipment and

---

8 A guidance document for the implementation of the re-enforced check regime (Article 24 of Directive 97/78/EC) is at a final stage and a pilot to integrate the re-enforced check regime in TRACES will start in the second half of 2011.
Commission Decision 2000/25/EC clarifies the minimum and maximum time periods following arrival which determine the type of veterinary checks to be carried out.

**Main findings and conclusions**

The lack of proper notification in advance and the absence of systems to monitor the times they stay in the point of entry compromise the ability of Competent Authorities to check consignments transhipped when needed and to ensure that they leave the EU territory within the specified time limits.

The imprecise legislative requirements have led to a variation in implementation of the requirements: the legislation regarding transhipment often refers to consignments "intended to be introduced into the EU" which created confusion in Member States as to what requirements are applicable to consignments merely transhipped in EU BIPs and destined for third countries. This led to a big variation in the checks carried out. In some cases, documentary and identity checks were not performed until 20 days after arrival. The documents requested varied (e.g. sometimes an EU transit certificate was requested, sometimes the health certificate from the third country of origin was sufficient) and the decisions taken differed.

The Commission and Member States discussed problems related to transhipments in working groups, and a guidance document was under preparation during the series of missions and was finally agreed in 2011. In their answers to the FVO's reports, some Member States indicated that no actions would be taken until the matters were agreed in the working groups and reflected in a guidance document. The delay in reaching a consensus between the Commission and Member States contributed at that time to different interpretation of the requirements and to uneven application of measures.

5.3.9 **Control of transit consignments**

Article 9 of Directive 91/496/EEC and Articles 11 and 12 of Directive 97/78/EC lay down specific requirements in relation to consignments in transit including deadlines for exit. These consignments must enter and leave the EU via an approved BIP and detailed requirements including deadlines for delivery are specified in Commission Decisions 2000/208/EC and 2000/571/EC. Such consignments must fulfill the animal health requirements laid down in Article 7 of Directive 2002/99/EC.

**Main Findings and Conclusions**

The controls on consignments transiting the EU are performed effectively. However, follow-up by the entry BIP is not performed within the specified deadlines when it does not receive confirmation of exit from the exit BIP increasing the risk that such consignments do not leave the Union as required.

The use of TRACES facilitates the communication between BIPs regarding transit. The fact that consignments destined to North Atlantic Treaty Organisation bases do not exit the EU through BIPs and their exit is not communicated to the entry BIP make their follow-up difficult and increases the risk that they could be placed on the EU market. During 2009, this issue started to be addressed within TRACES.

---

9 Member States agreed to the Guidance Document on transit and transhipment which was published in May 2011 and can be found on the Commissions website [http://ec.europa.eu/food/animal/bips/guidelines_en.htm](http://ec.europa.eu/food/animal/bips/guidelines_en.htm).

10 Two NATO bases in one Member State have been listed similar as exit BIPs since 2010. Similarly NATO bases in other Member States are expected to be added in 2011 as requested by the relevant Member States.
5.3.10 Controls on non-EU-complying consignments

Articles 12 and 13 of Directive 97/78/EC and Decision 2000/571/EC lay down specific requirements in relation to non-EU-complying consignments, unloaded and stored in free/Customs warehouses or at ship suppliers, in order to prevent these consignments being released for free circulation within the EU territory. These include requirements in relation to approval of warehouses and conditions for storage, labeling and record keeping in relation to these consignments. Confirmation of arrival of the consignment at destination (either ship or warehouse) must be provided to the authority responsible for dispatching the consignment (BIP of entry or warehouse). Such consignments must, however, fulfill the animal health requirements laid down in Article 7 of Directive 2002/99/EC. According to the provisions of Article 24 of Regulation (EC) No 882/2004 Customs services shall not allow the entry or handling in free zones or free warehouses of consignments subject to veterinary checks without the agreement of the Competent Authority.

Main Findings and Conclusions

The approval procedure for these warehouses focuses more on hygiene compliance rather than the specific requirements of import control legislation. As a result, problems were noted in some Member States with the specific registers required, with labelling of the relevant consignments and in the notification by the operator of the arrival of consignments.

For those warehouses approved as ship suppliers difficulties are frequently encountered in receiving the required confirmation of arrival of consignments from the master of the vessel which increases the risk that these consignments do not leave the EU as required.

Early in the series the fact that warehouses supervised by BIPs did not have a separate TRACES log in led to some distortion and double entry of data in TRACES which reduced the reliability of this data.

The lack of a procedure between Customs and veterinary services to authorise entry of relevant consignments to free zones potentially weakens the controls.

6 Overall Conclusions

All Member States visited have comprehensive import control systems in place and in the main they work properly. For import controls, responsibilities have been clearly allocated to different authorities and training programmes are implemented for staff performing the controls.

Although Member States generally develop sampling plans to monitor imported consignments, these present great variability in their strategy, levels of sampling and range of products and origins tested which together with the current unspecific legislative requirements makes it difficult to evaluate whether the plans are sufficient to achieve the intended objective.

Fees for import controls are not uniformly applied which increases the risk of trade distortions.

The obligation to notify consignments before their physical arrival is not yet well transposed and enforced. This, combined with the unsatisfactory operation of the systems to verify arriving consignments, compromise the ability of the Competent Authorities to ensure that consignments do not avoid the required checks.

The development and implementation of a common computerised system for imports – TRACES -
has facilitated and simplified many procedures for border inspection posts and has improved the communication between Member States related to import and transit. It has also facilitated an overview of the pattern of imports into the EU. However, the fact that some of the main importing Member States do not fully use it remains a weakness.

Veterinary checks and decisions taken on consignments are largely correct, but room for improvement has been detected regarding channelled consignments, re-imports and detention procedures.

Improvement was noted in the control of consignments transiting the EU. However, there are still problems in the notification of arrival and confirmation of dispatch of non-EU compliant consignments passing through warehouses and ship suppliers. As a consequence, the risk is increased that these consignments may remain in the EU and placed on the market. Problems also remain regarding notification and monitoring of consignments transhipped at EU BIPs, which impedes verification of their exit within the required time limits.

7 OVERVIEW OF RECOMMENDATIONS MADE TO MEMBER STATES

Recommendations were made to each competent authority of the Member States visited in each individual report. The main areas addressed in these recommendations were the following:

- Review and complete transposition of import control related EU legislation;
- Improvement of implementation of EU import control legislation, in particular with a view to improve administrative measures and training;
- Improvement of co-operation and co-ordination between different services involved in import controls with the particular aim to improve identification of consignments and supervision of non-EU-complying consignments;
- Take measures to improve enforcement and sanctions for non compliances with EU requirements;
- Improvement in the supervisory and audit systems;
- Improvement in the use of TRACES and in the reliability of the information entered;
- Rectification of shortcomings noted for infrastructures and veterinary checks and their follow up.

8 FUTURE ACTION

"Better training for safer food" initiative for training in veterinary checks at BIPs: is ongoing and will continue for 2011 and 2012. The framework for these training courses is set by DG SANCO and includes interalia discussion on Customs/veterinary liaison and co-operation. The courses have facilitated the exchange of information between BIP personnel and serve to foster the more uniform application of the EU legislation. FVO findings in the Member States feed into the course content.

The review of Regulation (EC) No 882/2004 which is ongoing will also look at some of the issues reported by the audits covered by this report, and will seek to introduce what improvements might be needed into the existing legal framework to make implementation easier.

A lighter procedure for including and lifting suspensions of BIPs or inspection centres within BIPs will be provided for within the review of the import control legislation.
A pilot to integrate the re-enforced check regime in TRACES will start in the second half of 2011.

A guidance document for the implementation of the re-enforced check regime (Article 24 of Directive 97/78/EC) is at a final stage and a pilot to integrate the re-enforced check regime in TRACES will start in the second half of this year.

Further clarification for the Member States in relation to guidance documents which will be made available on the DG SANCO website is under development at present.
### ANNEX 1 - LEGAL REFERENCES

<table>
<thead>
<tr>
<th>Legal Reference</th>
<th>Official Journal</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legal Reference</td>
<td>Official Journal</td>
<td>Title</td>
</tr>
<tr>
<td>-----------------</td>
<td>------------------</td>
<td>-------</td>
</tr>
<tr>
<td>Dec. 97/152/EC</td>
<td>OJ L 59, 28.2.1997, p. 50-52</td>
<td>97/152/EC: Commission Decision of 10 February 1997 concerning the information to be entered in the computerized file of consignments of animals or animal products from third countries which are re-dispatched</td>
</tr>
<tr>
<td>Legal Reference</td>
<td>Official Journal</td>
<td>Title</td>
</tr>
<tr>
<td>---------------------</td>
<td>---------------------------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>97/78/EC</td>
<td></td>
<td>97/78/EC concerning the transhipment of products at a Border Inspection Post where the consignments are intended for eventual import into the European Community, and amending Commission Decision 93/14/EEC</td>
</tr>
<tr>
<td></td>
<td>20-21</td>
<td></td>
</tr>
<tr>
<td></td>
<td>14-18</td>
<td></td>
</tr>
</tbody>
</table>
## ANNEX 2 - IMPORT CONTROL MISSIONS CARRIED OUT IN THE FVO IN 2007-2009

<table>
<thead>
<tr>
<th>Member States</th>
<th>Date of visit</th>
<th>Report number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Poland</td>
<td>10 to 15 January 2007</td>
<td>2007-7573</td>
</tr>
<tr>
<td>Bulgaria</td>
<td>15 to 26 January 2007</td>
<td>2007-7571</td>
</tr>
<tr>
<td>Slovenia</td>
<td>22 to 26 January 2007</td>
<td>2007-7289</td>
</tr>
<tr>
<td>Romania</td>
<td>12 to 23 February 2007</td>
<td>2007-7301</td>
</tr>
<tr>
<td>Italy</td>
<td>26 February to 07 March 2007</td>
<td>2007-7275</td>
</tr>
<tr>
<td>Latvia</td>
<td>05 to 09 March 2007</td>
<td>2007-7280</td>
</tr>
<tr>
<td>Hungary</td>
<td>16 to 25 April 2007</td>
<td>2007-7235</td>
</tr>
<tr>
<td>Finland</td>
<td>23 to 27 April 2007</td>
<td>2007-7582</td>
</tr>
<tr>
<td>Greece</td>
<td>22 May to 01 June 2007</td>
<td>2007-7242</td>
</tr>
<tr>
<td>The Netherlands</td>
<td>22 May to 01 June 2007</td>
<td>2007-7583</td>
</tr>
<tr>
<td>Malta</td>
<td>18 to 22 June 2007</td>
<td>2007-7283</td>
</tr>
<tr>
<td>Lithuania</td>
<td>01 to 10 October 2007</td>
<td>2007-7277</td>
</tr>
<tr>
<td>Germany</td>
<td>21-22 November 2007</td>
<td>2007-7917</td>
</tr>
<tr>
<td>Portugal</td>
<td>21 January to 01 February 2008</td>
<td>2008-7745</td>
</tr>
<tr>
<td>Czech Republic</td>
<td>21 to 25 January 2008</td>
<td>2008-7746</td>
</tr>
<tr>
<td>Bulgaria</td>
<td>04 to 08 February 2008</td>
<td>2008-7747</td>
</tr>
<tr>
<td>Romania</td>
<td>18 to 22 February 2008</td>
<td>2008-7748</td>
</tr>
<tr>
<td>Slovakia</td>
<td>31 March to 04 April 2008</td>
<td>2008-7751</td>
</tr>
<tr>
<td>France</td>
<td>7 to 18 April 2008</td>
<td>2008-7757</td>
</tr>
<tr>
<td>Ireland</td>
<td>21 to 25 April 2008</td>
<td>2008-7750</td>
</tr>
<tr>
<td>Hungary</td>
<td>13 to 23 May 2008</td>
<td>2008-7754</td>
</tr>
<tr>
<td>Germany</td>
<td>26 May to 06 June 2008</td>
<td>2008-7755</td>
</tr>
<tr>
<td>Estonia</td>
<td>16 to 20 June 2008</td>
<td>2008-7756</td>
</tr>
<tr>
<td>Spain</td>
<td>29 September to 10 October 2008</td>
<td>2008-7752</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>03 to 07 November 2008</td>
<td>2008-7761</td>
</tr>
<tr>
<td>Greece</td>
<td>25 to 27 November 2008</td>
<td>2008-8311</td>
</tr>
<tr>
<td>Poland</td>
<td>26 January to 06 February 2009</td>
<td>2009-8303</td>
</tr>
<tr>
<td>Denmark</td>
<td>02 to 06 February 2009</td>
<td>2009-8083</td>
</tr>
<tr>
<td>Lithuania</td>
<td>02 to 06 March 2009</td>
<td>2009-8079</td>
</tr>
<tr>
<td>Latvia</td>
<td>09 to 13 March 2009</td>
<td>2009-8078</td>
</tr>
<tr>
<td>Finland</td>
<td>30 March to 03 April 2009</td>
<td>2009-8081</td>
</tr>
<tr>
<td>Sweden</td>
<td>20 to 24 April 2009</td>
<td>2009-8085</td>
</tr>
<tr>
<td>Slovenia</td>
<td>04 to 08 May 2009</td>
<td>2009-8203</td>
</tr>
<tr>
<td>Country</td>
<td>Dates</td>
<td>Code</td>
</tr>
<tr>
<td>------------------</td>
<td>--------------------------------</td>
<td>----------</td>
</tr>
<tr>
<td>Cyprus</td>
<td>18 to 22 May 2009</td>
<td>2009-8076</td>
</tr>
<tr>
<td>Italy</td>
<td>25 to 28 May 2009</td>
<td>2009-8338</td>
</tr>
<tr>
<td>Belgium</td>
<td>22 June to 03 July 2009</td>
<td>2009-8075</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>21 September to 02 October 2009</td>
<td>2009-8204</td>
</tr>
<tr>
<td>Portugal</td>
<td>06 to 14 October 2009</td>
<td>2009-8080</td>
</tr>
<tr>
<td>Greece</td>
<td>19 to 30 October 2009</td>
<td>2009-8077</td>
</tr>
<tr>
<td>The Netherlands</td>
<td>16 to 27 November 2009</td>
<td>2009-8084</td>
</tr>
<tr>
<td>Austria</td>
<td>30 November to 04 December 2009</td>
<td>2009-8082</td>
</tr>
</tbody>
</table>