GENERAL REVIEW REPORT

OF THE MISSIONS CARRIED OUT IN MEMBER STATES

CONCERNING

VETERINARY CHECKS AT BORDER INSPECTION POSTS

2002 - 2003
EXECUTIVE SUMMARY

This report provides an overview of the missions carried out by the Food and Veterinary Office (FVO) in Member States (MS) during 2002 and 2003, with the objective of evaluating the import control systems in place for live animals and products of animal origin.

These systems, which are applied by the MS and which include a network of approved Border Inspection Posts (BIPs), have been established and developed in the EU and form a key part of the overall system for protection of human and animal health in the EU since the consolidation of the single market.

While the purpose of the individual reports is to verify the application of EU requirements by the MS, this general report is produced in accordance with Art. 2 (3) of Commission Decision 2001/881/EC with the purpose of providing an overview of the general situation. This overview is intended to inform the legislative process and to assist in the further development of relevant, enforceable and risk-based import control measures.

Overall, the report concludes that in all MS visited a system for import controls on live animals and products of animal origin was in place. Although certain improvements in comparison to previous missions have been noted, these systems can be further enhanced as there are still some gaps and/or inaccuracies in transposition of EU legislation in most MS visited which hamper the correct implementation of the EU provisions.

There were some common weaknesses which impeded a uniform application of import controls, in particular in relation to supervision, training, co-operation of involved authorities and selection and identification of consignments. The follow up to previous FVO reports was included in the missions; the result of the follow up was satisfactory in one MS but deficiencies for infrastructures of BIPs persist in all other MS visited. Infrastructures of proposed BIPs were mostly adequate. Provisions for the procedures, supervision of kitchen waste and of non-EU-conforming consignments were overall not implemented satisfactorily. Thus, gaps persist in the controls such that the possibility of illegal importation, either fraudulently or inadvertently, and of the introduction of consignments with an animal or public health risk continue to exist.

The individual reports made a number of recommendations addressed to the (C)CAs in the MS concerned, aimed at rectifying the identified shortcomings and/or further enhancing the implementing and control measures in place. Following the missions, actions aimed at addressing these recommendations were taken or announced by the (C)CAs of the MS. Therefore, it is emphasised that the results described in this report reflect the situation found at the time of the missions and do not take into account subsequent improvements and developments.

Given this significant evolution of the overall situation in the BIPs and given the enactment of new legislation in the interim, it is intended that a further general report, covering these issues, will be published in 2006.
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<table>
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<tr>
<td>AH</td>
<td>Animal health</td>
</tr>
<tr>
<td>BIP</td>
<td>Border Inspection Post as defined in Council Directives 97/78/EC and 91/496/EEC</td>
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<tr>
<td>CA</td>
<td>Competent Authority</td>
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<tr>
<td>CCA</td>
<td>Central Competent Authority</td>
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<tr>
<td>CN-Code</td>
<td>Combined Nomenclature by Council Regulation (EEC) No 2658/87</td>
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<tr>
<td>CS</td>
<td>Commission services</td>
</tr>
<tr>
<td>Decision on the consignment</td>
<td>The decision made by the official veterinarian (OV) at the BIP and entered on the Annex B or the Border Crossing Certificate, 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>Hygienic necessities</td>
<td>Dispensers for soap, for disinfecting fluid or for single use hand towels at hand wash basin</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>MS</td>
<td>Member State(s) of the European Union</td>
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<tr>
<td>PH</td>
<td>Public health</td>
</tr>
<tr>
<td>Positive list</td>
<td>List of commodities of animal origin which are subject to veterinary checks in BIPs, as specified in Commission Decision 2002/349/EC</td>
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1. INTRODUCTION

The maintenance of secure borders to prevent introduction of potentially harmful organisms, both for animal health and public health, depends on an effective border control system.

With the creation of the single market, the European Union developed legislation to arrange for the implementation of a network of Border Inspection Posts (BIPs) and to ensure that products of animal origin and live animals from third countries that are introduced into the EU are safe. The veterinary import legislation details animal health and public health requirements for these consignments which are to be checked upon entering the territories of the EU Member States in their BIPs.

The requirements for facilities (BIPs) and effective implementation of procedures laid down in EU legislation are implemented by the MS. To ensure that MS provide proper facilities for the performance of checks on imports and for the co-ordination of the activities of the various control authorities involved, the Commission itself is responsible for listing approved BIPs in the Annex to Commission Decision 2001/881/EC\(^{(1,2)}\).

It is the task of the Food and Veterinary Office (FVO) of the European Commission to evaluate the performance of national authorities in delivering compliance with safety standards and veterinary controls in respect of imports. For this reason, Art. 2 of Decision 2001/881/EC provides for regular inspections of BIPs.

In 2002/2003 the FVO carried out 13 inspection missions in 13 MS. These related both to import control systems and the controls carried out at Community-approved BIPs, or to requests by the central competent authorities (CCAs) in the MS to modify the approval of existing BIPs or to approve a new BIP. These missions form a routine part of the annual inspection programme of the FVO.

Each of these missions results in a report which covers both the provision of adequate infrastructure and the implementation of appropriate procedures. In both cases, non-compliances can range from purely technical breaches of legislation to those which seriously undermine the effectiveness of the control system. These reports inform stakeholders of the outcome of the missions and in parallel recommend corrective action to the MS to remedy any non-compliances with EU legislation noted.

While the purpose of the individual inspections and the resulting reports is to verify and improve the application of EU requirements by the MS, a general report is produced under Art. 2 (3) of Decision 2001/881/EC to provide an overview of the general situation. It is drawn up on the basis of the individual, detailed mission reports and its intention is to inform the legislative process and to assist in the further development of relevant, enforceable and risk-based import control measures. In this way, it contributes to the development of European Community policy in the food safety and quality, animal health and welfare sectors.

A further report covering the period 2004/2005 will follow shortly and is in preparation. This later period includes the major task of enlargement and integration of the ten new Member States into the single market and their successful implementation of harmonised veterinary border controls. Development of legislation for transitional arrangements for one new Member State, and for rules of application for import procedures for all Member States has continued throughout the period in

\(^{(1)}\) Legal acts quoted in this report are provided in Annex 1 and refer, where applicable, to the last amended version.
both 2002/3 and in 2004/5. In addition the new Regulation (EC) No 882/2004 of the European Parliament and of the Council(3) on Food and Feed has been adopted which also deals with import controls, whilst Directive 2002/99/EC concerning stricter Animal Health requirements for importation and transit of animal products came into force on 01.01.2005. As a result of these legislative changes and trends that were visible in the previous FVO general report 2000/2001 and confirmed in this report, future actions by the Commission Services at section 6.3 are pointing to the advisability of a reflection and review of legislation for import procedures for animals, animal products, food and feed to meet the needs of the enlarged Community.

2. OBJECTIVES AND SCOPE OF THE MISSIONS

The objectives of these missions were:

1. to evaluate the import control system in place for products of animal origin and live animals;
2. to verify the application of EU requirements in the BIPs and related premises visited;
3. to evaluate the measures taken by the competent authorities to give effect to EU requirements concerning controls on imports of live animals and animal products;
4. to evaluate the implementation of certain protective measure with regard to products of animal origin which require additional chemical tests in order to ensure that they do not present a danger to human health;
5. to verify the application of EU requirements concerning reinforced checks in BIPs.

In this context, the missions also followed up on the outcome of previous missions and the actions undertaken in relation to recommendations made.

In terms of scope, the assessment was undertaken against the requirements set out in Council Directives 97/78/EC(4), 91/496/EEC(5), 96/43/EC(6) and the relevant implementing Regulations and Decisions.

3. LEGAL BASIS

The missions were carried out under the general provisions of the Community legislation mentioned under point 2.

4. BACKGROUND INFORMATION

4.1. GENERAL

Consignments of live animals and animal products, which are introduced into the EU, are subject to veterinary checks carried out by official inspection services of the MS. These checks are carried out at agreed BIPs, located at road, rail, airport or port entry points into the EU.

The Commission services are required to inspect the facilities, equipment and working procedures in all 270 BIPs at regular intervals. Due to resource constraints, this obligation has not been met fully, however, the FVO visited both all proposed new BIPs before listing in the Official Journal as well as those already agreed for which additional approval categories are requested.

Missions to MS undertaken in 2000 - 2001 concerning veterinary checks were summarised in report DG(SANCO)/9001/2002 – GR (hereafter: report 9001/2002), which is published at:
4.2. MISSION ORGANISATION

In order to ensure an efficient conduct of the missions, each was prepared using a pre-mission questionnaire for completion by the (Central) Competent Authorities ((C)CA) in the MS. In addition, written information was provided to CCAs containing the basic criteria and indicators used during the conduct of the missions, in order to facilitate the inspections on-the-spot. An evaluation of the overall management of import controls by the (C)CAs was carried out, as well as an evaluation of the management of the BIPs themselves, including the co-operation with customs’ and other authorities.

Opening and closing meetings were held with the CCAs to summarise and discuss the overall findings of the missions. Closing meetings were also held in each BIP visited, to present the findings and discuss questions with the BIP staff and other relevant authorities, as appropriate. This approach contributed to obtaining and providing more complete, detailed and transparent information on the missions. The national, regional and local authorities were usually very supportive of the objectives of the missions and generally were both open and constructive in their responses to the inspection teams.

After each mission the (C)CAs were asked to provide an action plan, indicating the steps to be taken to address any deficiencies identified, and the recommendations made in the individual reports. The FVO examines the plans and guarantees received to ensure that they are comprehensive and address all deficiencies identified in the reports.

4.3. MISSION ACTIVITIES

In 2002 the FVO carried out inspections in seven MS during which twenty eight agreed BIPs and four new facilities proposed for approval as BIPs were inspected.

In 2003 inspections in six MS were carried out during which nineteen agreed BIPs and five new facilities proposed for approval as BIPs were inspected. Four existing BIPs were inspected following a requested modification of approval.

An overview of the inspections carried out in 2002 and 2003 is attached at Annex 2.

All individual mission reports have been published on the Internet at:

5. MAIN FINDINGS AND CONCLUSIONS

Note: the findings refer to the situation as found on the spot at the time of the mission. It should be emphasised that the deficiencies identified below were not necessarily present in all MS or BIPs visited.

5.1. COMPETENT AUTHORITIES

A broad overview was given in each report of the structure and the responsibilities of the CCA and the relevant regional or local veterinary services.

5.1.1. Veterinary Organisation

Sufficient resources in terms of BIP staff were available in most of the BIPs visited except in two MS; in one MS improvement was noted in relation to previously identified staff shortages. Problems in relation to provision of necessary training and to ensure proper supervision of the BIPs could be related to shortage of staffing at
central level in the relevant MS. In cases where the official services were not adequately resourced, the import controls could not be carried out fully in accordance with the EU legislation.

Although training regarding import controls was provided in most MS visited, with the exception of two MS training for BIP staff was not provided on a continuous and systematic basis. In two MS new BIP staff did not receive any specific training; staff in all proposed BIPs visited was not sufficiently trained except in one MS.

Therefore, and although many individual staff were familiar with the import control procedures, the training provided in most MS in relation to the veterinary checks and the administrative procedures is not comprehensive. The lack of national training programmes, in particular “refresher” courses, resulted in a lack of up-to-date knowledge of the local staff on import procedures.

5.1.2. Co-operation between competent authorities

At central levels co-operation and exchange of information between competent authorities was mostly satisfactory, but not always optimal. The closeness of the cooperation with customs at BIP level is mainly based on personal contacts and generally is on an ad hoc basis, if problems occur. In all the visited BIPs, the BIP staff is allowed to open consignments and to break the seal without presence of customs, except in one MS. In the latter case this could lead to incomplete identity checks or to delayed veterinary checks.

The co-operation with other services involved with imports, e.g. airport, rail and port authorities, in particular for the identification and selection of consignments, was not as close as foreseen in the Annex to Decision 2001/812/EC, except in one BIP in one MS, mainly due to the incomplete information of the BIP staff on arriving consignments. In most MS, where customs or port authorities take an active part in selection and identification of consignments, the BIP staff did not have a complete overview on all relevant consignments arriving as no supervisory system for selection and identification had been set up.

The customs authorities are responsible for the controls on the passenger luggage arriving directly from third countries. The frequency of checks varied between the different BIPs visited. Co-operation with local authorities (e.g. port, airport and rail authorities) was not always adequate, especially regarding provision of information to travellers.

5.1.3. Transposition of EU legislation

The relevant import legislation was in general transposed. However, in several MS visited transposition of Directives 97/78/EC and 96/43/EC was incomplete and incorrect. In one MS Artt. 11, 12 and 13 of the Directive 97/78/EC were not completely transposed for public health (PH). Directive 96/43/EC had not been completely transposed in another MS regarding inspection fees for live animals and certain animal products, whereas in two MS it had been not correctly applied in relation to fees for milk products or live animals. Similarly several instances of incomplete/incorrect transposition and/or implementation were noted regarding Commission Decisions related to veterinary checks. As a result, the adequate and harmonised implementation of EU requirements for import controls is hampered.

In some MS there was no official procedure for (C)CA to implement Artt. 6 of Directives 91/496/EEC and 97/78/EC concerning the proposal of a new BIP for approval and/or of the suspension of existing BIPs.
5.1.4. Implementation of EU requirements

Unnecessary delays (sometimes up to six weeks after the foreseen dates) were noted for the implementation of Commission Decisions in some MS, where administrative procedures were necessary to give effect to the requirements.

The implementation of Commission Decision 2002/349/EC\(^{(7)}\) was applicable from 08.05.2002 and in most MS visited the positive list of products to be checked in BIPs had been submitted to customs; however, in some MS, customs or other authorities involved in import control did not receive this list, and, in one MS the Decision was not implemented yet in August 2003. Thus it cannot be ensured that for 15 months, all relevant consignments are subject to veterinary checks.

A certain amount of progress for the development of a set of general instructions/guidelines to BIP staff or a manual of procedures for the harmonised implementation of the import controls was noted and some MS visited had developed such administrative measures. However, instructions/guidelines were not completely updated with consequent inconsistent application of the EU requirements.

In most of the MS visited there was no plan for monitoring at the BIPs for residues, pathogenic organisms or other substances dangerous to humans, animals or the environment in consignments of products imported from third countries, as laid down in Annex D of Commission Decision 93/13/EEC\(^{(8)}\). Due to lack of an adequate mechanism to ensure proper sampling it cannot be excluded, that possibly contaminated consignments are detected timely to prevent importation into the EU.

No plans were submitted to the Commissions’ services on the nature of the checks to be carried out on imports on certain islands as required by Art. 18 of Directive 97/78/EC for the MS concerned and the adequate supervision of these imports is therefore not assured.

In a few MS visited national lists of approved BIPs were maintained; however, the entries in these lists were not completely in accordance with the BIPs listed in Decision 2001/881/EC.

In most MS visited the points of entry published in the CITES-list\(^{(9)}\) continued not to correspond to approved BIPs, as was already noted in report 9001/2002. As a result, it could not be ensured that all relevant veterinary consignments arrive in approved BIPs.

5.1.5. Supervision and monitoring

Although improvement was noted during this series of missions, the proper implementation of existing import control systems are not adequately supervised by (C)CAs in all MS visited. In five out of eleven MS a system of regular inspections to BIPs exists. In a few MS on-site inspections of facilities, equipment and working procedures to monitor the performance of the BIPs were not carried out at all or not regularly. Some MS document their inspections with reports and a procedure for follow up of the reports is in place.

In general, improvement was noted concerning the follow up of FVO reports and the majority of deficiencies identified in previous FVO reports were rectified. However, in not all cases were actions as announced in the action plan implemented. As a result some major deficiencies regarding facilities were still present in some BIPs in most MS visited, in particular in one MS, although guarantees had been submitted that the deficiencies had been rectified. In one MS a general improvement was noted, in particular in relation to facilities.
While most of the MS visited receive at central level statistics on the imported consignments, a risk based national monitoring plan was in place in some MS only enabling adjustments to the plan on the basis of results of import checks. In one MS a proper risk analysis existed for PH, but not for AH-issues.

The shortcomings as regards supervision and monitoring do not allow (C)CAs to be fully confident that veterinary checks on live animals and products of animal origin from third countries are carried out in accordance with Directives 91/496/EEC and 97/78/EC.

5.2. IMPLEMENTATION OF EU LEGISLATION IN BORDER INSPECTION POSTS

For the implementation of EU legislation in the BIPs, in all MS visited several major and minor deficiencies were found and described in the individual reports.

5.2.1. Facilities, equipment and hygiene

In relation to report 9001/2002 some improvement was seen concerning the BIP facilities. However, a number of previously identified deficiencies had not been corrected (see point 5.1.5), mainly concerning the lack of storage room foreseen for the relevant category for detained consignments. These deficiencies have an impact on the operational hygiene of the veterinary checks and on the hygiene and security of consignments detained.

The existing facilities for live animals were sometimes not suitable for unloading, inspection and housing of the different species of live animals foreseen in the BIPs approval which means that proper inspections and animal welfare conditions cannot be guaranteed.

The situation is clearly better for the proposed BIPs visited, for which the facilities were mostly adequate. There was one exception in one MS in which, in two BIPs proposed for re-approval of live animals, the facilities were still deficient although the action plan submitted following the previous mission was in itself satisfactory.

In general, administrative and technical equipment was in place. Nevertheless, some major non-compliances continue to exist in relation to the administrative equipment, in particular where the ANIMO system is not in place or not functioning which does not allow a rapid transfer of information and the traceability of the relevant consignments is not ensured. Improvements were noted concerning the presence of technical equipment in the inspection rooms. However, in almost all the BIPs minor non-compliances were found, mainly for NHC-products or for live animals. Although this had been mentioned in previous reports, the corrective action taken in the MS concerned was still not adequate and adequate physical checks cannot be ensured. In new proposed BIPs the administrative and technical equipment was not always in place at the time of the visit which would hamper the performance of proper veterinary checks if not put in place in time.

Concerning hygiene, cleaning of the facilities was mostly satisfactory and for maintenance only minor deficiencies were found. However, due to the deficiencies of the facilities (lack of storage rooms, protected unloading areas, inspection rooms, location and use of changing room etc.) and the lack of technical equipment, the proper hygienic working conditions were not always guaranteed. In some BIPs visited, the flow of the consignments and the movement of personnel due to the location of different rooms could lead to cross contamination. Cleaning, disinfecting and pest control programmes were not always in place. Despite the provision of guarantees concerning the rectification of deficiencies, in some MS the situation on
the spot demonstrated that the corrective actions had not always been fully implemented.

5.2.2. Facilities outwith the BIPs

Facilities for destruction of non-compliant consignments were available to nearly all BIPs visited, although not always the nearest one was used and security of the relevant consignments not ensured. Complete lists of those facilities existed in most MS.

In two MS, consignments which should have been destined for destruction, were buried or landfilled despite the presence of premises approved for their destruction under the provisions of the relevant legislation which was at that time Council Directive 90/667/EC\(^{(10)}\) (similar situation as in report 9001/2002). Landfill sites used in one MS were not approved in accordance with the provisions of Council Directive 1999/31/EC\(^{(11)}\).

Slaughterhouses and laboratories were available to each BIP relevant. The choice for the use of laboratories was according to the type of analysis that should be carried out on the samples taken in the BIPs, but their accreditation for the relevant analyses was sometimes not clear.

5.2.3. Documentation and registration

Progress continued in all MS visited and systems for distribution of the relevant documentation existed, a good one in AT. However, in the BIPs, documentation was not always fully updated and/or complete, in particular in the ICs and for live animals, which does not allow adequate veterinary checks on consignments. This concerned also RASFF-messages. Hard copies of the legislation were not available in some of the BIPs visited and not easily accessible in some other BIPs. The BIPs of most MS visited had access to the Internet to check for the latest information, however, not all information is available through these publications and the Internet was used depending on the workload and the involvement of the individuals.

One MS stated that in its BIPs no information of re-dispatched consignments from other MS is received and in all BIPs visited only incomplete and sometimes outdated information of re-dispatched consignments was available.

Registration of arriving consignments improved and in five MS general databases were in place in all BIPs which contained most of the required information; however, in two MS different data were provided from the central service than from the BIPs. In the remaining MS, the individual registration systems in the BIPs visited were mostly incomplete, and in most cases this deficiency had already been identified in previous reports. In two MS there were no registers/log books of consignments examined in the ICs as required. Incomplete registers do not allow a proper overview and traceability of the consignments and do not allow the performance of a proper risk assessment.

In BIPs with customs warehouses, free warehouses/zones or ship suppliers there were no records of the checks in those warehouses in most MS. Thus the supervision of these premises is not documented as required.

In one MS, a register was maintained for monitoring deadlines for follow up action to be taken in case of transit, channelled and rejected consignments in the BIPs, whereas these registers were incomplete or not present in the other MS visited. Thus, with the exception of one MS, there is no reliable overview that the relevant consignments arrived at their destination.

Improvement was noticed in one MS concerning the checks for the destruction of kitchen/galley waste unloaded from international means of transport. For the other MS
there were mostly no records of these checks available in most of the BIPs visited as recorded in previous reports. Thus the BIPs do not have an overview whether these wastes are destroyed as foreseen in EU legislation.

In the BIPs proposed for approval, there was often no documentation, no registration and no records at the time of the visit, which does not enable them to carry out a proper documentary check on arriving consignments, to initiate the follow up and to guarantee the traceability of the relevant consignments and to have an overview on the disposal of kitchen waste from international transport means.

5.2.4. Identification and selection of the consignments

The systems for identification and selection of the consignments in place at the BIPs visited improved in one MS, whereas in the other MS existing co-operation arrangements between the official veterinarians and the different authorities involved (e.g. customs, port, rail and airport authorities), did not ensure a complete overview on all the incoming, outgoing consignments and these in transit.

In most of the BIPs visited customs, handling agents, rail or other involved authorities took an active part in selection of consignments, and the BIPs did not receive adequate information in advance about the arrival of consignments and their destination. Where manifests were received, they were mainly pre-selected by other authorities and the veterinarians did not always take an active part in the selection of consignments.

The positive list of products subject to veterinary checks was submitted to some relevant authorities by eight MS. In four of these it was not clarified if the relevant links between the CN-codes and the veterinary checks in the customs databases were updated. In two of these the relevant links were updated but not in the remaining two. One MS stated that customs does not require an Annex B for consignments in transit. Five MS did not submit the positive list to all the relevant authorities involved in the selection of consignments.

There was only limited progress concerning cross checks between the cargo manifests and the consignments notified to the BIPs. In some BIPs cross-checks were carried out but only in very limited numbers and, in some cases, the manifests were received only up to several days after the arrival of the consignments in the ports/airports.

The notification of products of animal origin and live animals is required in all visited MS before the arrival of the consignments. In most cases this only took place on the same day of the arrival of the consignment in the BIP. However, in four MS it was delayed between a number of days to two months after the arrival of consignments in the relevant port/airport. In addition, in two MS there was not always written evidence of the pre-notification. In road BIPs the consignments were mainly notified after their arrival.

The systems of identification and selection of the consignments do not ensure that the staff of the BIP always has a complete overview of the consignments subject to veterinary checks. In most BIPs with higher throughput the BIP staff took an active part in the system for identification and selection of consignments, whereas this was not the case in most BIPs with low throughput.
5.2.5. Procedures

Procedures for veterinary checks were not evaluated in the five MS visited for proposed BIPs. In the other MS visited some improvement was noted, but various shortcomings concerning veterinary checks continued to exist.

Major deficiencies were the acceptance of:
- fish from non-authorised Russian freezer vessels in one MS as described in previous reports.
- several health certificates not in accordance with the model foreseen in the relevant Commission Decision, in particular for live animals in two MS;
- several incomplete and wrongly stamped captains’ declarations for direct landings of fish in three MS; some captains’ declarations signed up to ten days after the arrival of the vessel in the BIP; captains’ declarations for fishery products even though the consignments had been transhipped in another third country port.
- health certificates with different reference number or different address of destination than on the first part of the Annex B, which does not ensure the traceability of the consignments.
- animal species for which the BIP was not approved in two BIPs.

In cases when irregularities were found during the checks, some consignments which should have been rejected were accepted for import.

Other shortcomings found concerned the following:
- In most of the BIPs visited the information provided in the notification did not contain all the information foreseen in Decision 93/13/EEC and the definition of “consignment” was still not properly applied in most of the MS visited.
- The veterinary checks (documentary, identity and physical) were not always carried out in conformity with the EU legislation and discrepancies found were often not followed up by corrective actions.
- The main deficiencies for documentary checks were the acceptance of incomplete health certificates or health certificates not in accordance with the general provisions of certification.
- In relation to direct landings of fish, the captains’ declarations from carrier vessels did not provide the quantities broken down for each catching vessel, from which the products have been transhipped, therefore traceability and proper identity and physical checks are not ensured. This link between carrier and catching vessels is not foreseen in Council Regulation (EC) No 1093/94(12) and traceability of the relevant consignments is not ensured.
- Identity and physical checks were not always carried out to the extent necessary and in accordance with the provisions of the legislation, partly due to the lack of detailed instructions or guidelines, insufficient resources or insufficient training. In some cases identity and physical checks were carried out for live animals on the truck and for products of animal origin, including direct landings of fish, in locations where no inspection facilities were present (e.g. commercial storage facilities, in the ship or on the quay, in a port terminal or in a nearby customs store). Laboratory tests were not always carried out as foreseen in legislation.
- The reduced frequency of physical checks was not always applied as foreseen in legislation for harmonised products. Due to delayed or non-receipt of
RASFF-messages the reinforced check regime could not be applied as foreseen in legislation.

- The procedure for channelled and split consignments was not always correctly applied and procedures for re-imported or re-dispatched consignments were not always followed.

- The ANIMO system was in place in all visited MS except one, where CCA stated that ANIMO is only present in three BIPs. The system was not always functioning in two MS and ANIMO messages were not sent in all cases foreseen; in particular in case of favourable laboratory results the place of destination was not informed accordingly.

- The supervision of non-EU-conforming transit consignments improved, however, procedures were not always correctly applied. Checks on exit of transit consignments were not carried out in one MS.

- Concerning transhipment, there was often no overview on such consignments due to a lack of information in relation to the identification and selection and to the lack of adequate co-operation with customs, port and airport authorities; this was also applicable for transit in one MS.

These shortcomings are mainly related to the inadequate supervision and the lack of corrective action initiated following problems found during veterinary checks. Some major shortcomings are related to incorrect instructions from CCAs; others occur due to the lack of detailed training or detailed guidelines/instructions. Shortcomings related to the reduced frequency of checks are mainly based on the inability of BIP-staff to distinguish between harmonised and non-harmonised products as well as between provisional and final establishment lists. For short comings concerning reinforced checks and re-imported consignments, the requirements laid down in EU legislation are not particularly clear which causes incorrect interpretation.

5.2.6. Animal Welfare

Whilst animal welfare aspects were also checked during the missions no specific deficiencies were noted, except for the facilities as mentioned under point 5.2.1, 2nd paragraph.

5.2.7. Free and customs warehouses, ship suppliers

Lists of approved free and customs warehouses and authorised ship suppliers for the receipt and the storage of non-EU-conforming consignments have been drawn up in most of the MS visited, however, they were not always updated or complete.

The veterinary supervision of free and customs warehouses and ship suppliers was mostly insufficient. In one MS no system was set up by CCA to supervise the local services, which are responsible for the approval and supervision of free and customs warehouses and ship suppliers. In another MS the receipt of non-EU-conforming consignments was not authorised but in one customs warehouse these consignments were unloaded to avoid a distortion of the trade.

Although this specific legislation is in force since 2000, severe deficiencies were noted in the warehouses: non-EU-conforming were not separated from EU-conforming consignments in the storage, there was no veterinary certificate issued for the non EU-conforming consignments leaving the ship supplier to the ships and no confirmation of their arrival on the ships was received. In some MS no ANIMO messages were sent for outgoing non-EU-conforming consignments.
The supervision and traceability of non-EU-conforming consignments is not fully ensured. This incorrect application of the legislation and of the procedures was also evidenced by findings of consignments from non-approved establishments or non-EU-conforming consignments being accepted for importation or caterer supply.

5.2.8. Kitchen waste

In all MS, arrangements are in place for the destruction of products from international means of transport intended for consumption by the crew, or their kitchen waste. However, in many MS visited, the BIP is not involved in nor aware of the disposal of these products. In one MS the supervision improved, but in all other MS visited, except another one, no adequate evidence was kept at the BIPs concerning the destruction of kitchen waste and there was no evidence that the arrangements in place were upheld.

Moreover, at the time of the missions, this waste was not always sent for destruction, but in two MS buried or disposed of at landfill sites even though suitable premises for destruction were available. Disposal at landfill sites is now permitted according to the provisions laid down in Regulation (EC) No 1774/2002 of the European Parliament and of the Council, however, two of the landfills sites used in one MS were not approved under Directive 1999/31/EC.

5.2.9. Checks on imports of products for personal consumption

New legislation for checks on imports of products for personal consumption was enforced from 01.01.2003. In the six MS visited after that date, the implementation was at different stages: wall notices were displayed in the airports quite quickly except in two MS. In one MS veterinary staff was responsible for the checks at the relevant entry points and in four MS customs was responsible; however, no detailed instructions from the CCA had been provided yet, and thus customs allowed in one MS different quantities than foreseen in Commission Decision 2002/995/EC. With the delayed implementation it cannot be excluded that the relevant products for personal consumption enter the EU despite these provisions.

5.2.10. Inspection fees

Inspection fees were collected in all MS visited; however, they were not collected in accordance with the legal requirements in most. In some MS the fees are paid at central or regional level and the veterinarian of the BIP does not know if the fees have been paid before the release of consignment as required. Customs and BIPs did not request a guarantee that the fees had been or would be paid as laid down in Art. 7 of Directive 97/78/EC.

Apart from deficiencies in the three MS with gaps in transposition of Directive 96/43/EC, in one other MS no veterinary fees were collected for the checks on for live fish and fish products.

Most of the deficiencies had already been identified in previous reports and they could results in distortions of trade.
5.3. **SUMMARY OF RESULTS**

The table below summarises the findings of the missions in the BIPs, classified in three categories: compliance, minor and major non-compliance with EU legislation\(^{(15)}\). It should be noted that this categorisation relates to non-compliance with legislation and not necessarily with potential risks for public or animal health.

The technical areas have been grouped into twelve broad headings.

**Table 1: findings identified during the missions in the individual BIPs:**

<table>
<thead>
<tr>
<th>Technical areas</th>
<th>Number of Border Inspection Posts/Inspection Centres</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>compliance</td>
</tr>
<tr>
<td>Veterinary organisation: number of staff</td>
<td>30</td>
</tr>
<tr>
<td>Veterinary organisation: training of staff</td>
<td>2</td>
</tr>
<tr>
<td>Facilities – products*</td>
<td>10</td>
</tr>
<tr>
<td>Facilities – live animals*</td>
<td>4</td>
</tr>
<tr>
<td>Equipment*</td>
<td>5</td>
</tr>
<tr>
<td>Hygiene* **</td>
<td>7</td>
</tr>
<tr>
<td>Documentation*</td>
<td>2</td>
</tr>
<tr>
<td>Registration*</td>
<td>4</td>
</tr>
<tr>
<td>Identification/Selection</td>
<td>1</td>
</tr>
<tr>
<td>Procedures (notification, veterinary checks, decision)</td>
<td>1</td>
</tr>
<tr>
<td>Transit - warehouses</td>
<td>0</td>
</tr>
<tr>
<td>Inspection fees</td>
<td>4</td>
</tr>
</tbody>
</table>

* These areas cover individual inspection centres of several BIPs, therefore totals are different.

** Hygiene covers the observed situation on the spot regarding cleansing, maintenance and hygienic necessities as well as the hygienic operation of the BIP.

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\(^{(15)}\) Major non-compliances are those which can have a clear impact on the efficiency of the control system, (e.g. serious shortage of staff or training, lack of part(s) of facilities, no documentation or records in place, no technical equipment for one category or no ANIMO-system in place, no system of identification and selection in place, acceptance of consignments from non-approved countries, establishments, vessels or consignments which should have been re-dispatched and gaps in the traceability of consignments).
The table below shows the evaluation of the compliance, major and minor non-compliance with EU legislation in percentages for each technical area. A graph containing the percentages in relation to the different technical areas is at Annex II.

Table 2: evaluation in approximate percentages of the BIPs visited:

<table>
<thead>
<tr>
<th>Technical Area</th>
<th>Compliance</th>
<th>Minor Non-Compliances</th>
<th>Major Non-Compliances</th>
<th>Not Checked</th>
<th>Not Applicable</th>
</tr>
</thead>
<tbody>
<tr>
<td>Veterinary organisation:</td>
<td>54</td>
<td>3</td>
<td>14</td>
<td>5</td>
<td>7</td>
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<tr>
<td>number of staff **</td>
<td></td>
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<tr>
<td>Veterinary organisation:</td>
<td>21</td>
<td>89</td>
<td>18</td>
<td>12</td>
<td>67</td>
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<tr>
<td>training of staff **</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Facilities – products **</td>
<td>25</td>
<td>7</td>
<td>64</td>
<td>10</td>
<td>23</td>
</tr>
<tr>
<td>Facilities – live animals **</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Equipment **</td>
<td>27</td>
<td>67</td>
<td>23</td>
<td>23</td>
<td>12</td>
</tr>
<tr>
<td>Hygiene * **</td>
<td>10</td>
<td>67</td>
<td>27</td>
<td>19</td>
<td>9</td>
</tr>
<tr>
<td>Documentation **</td>
<td>5</td>
<td>4</td>
<td>7</td>
<td>7</td>
<td>14</td>
</tr>
<tr>
<td>Registration **</td>
<td>2</td>
<td>4</td>
<td>7</td>
<td>7</td>
<td>14</td>
</tr>
<tr>
<td>Identification/Selection **</td>
<td>3</td>
<td>3</td>
<td>4</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td>Procedures (notification, veterinary checks, decision) **</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>Transit – warehouses **</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>7</td>
</tr>
<tr>
<td>Inspection fees **</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>7</td>
</tr>
</tbody>
</table>

NB: please note that there are some discrepancies between the figures as not all entries are related to the total number of BIPs visited.

* Hygiene covers the observed situation on the spot regarding cleansing, maintenance and hygienic necessities as well as the hygienic operation of the BIP.
** related to the number of BIPs visited
*** related to the number of inspection centres in BIPs visited

In general, the non-uniform application of EU import controls could lead to a distortion of trade to MS/BIPs where less stringent veterinary decisions are taken or where the reduced check regime is more intensively applied. The shortcomings related to inadequate veterinary checks could lead to consignments posing a risk for animal or public health being allowed for importation. This risk might be increased due to the inadequate destruction of relevant consignments and the lack of supervision for kitchen waste and non-EU conforming consignments.

5.4. OVERALL ASSESSMENT

In all MS, systems are in place for checks on imports and transit of products of animal origin and live animals. Although certain improvements in comparison to previous missions have been noted, these systems can be further enhanced as there are still some gaps and/or inaccuracies in transposition of EU legislation in most MS visited which hamper the correct implementation of the EU provisions.

The uniform application of import controls depends on an adequate staff supervisory systems and/or the provision of up-to-date instructions and training.

In places, procedures for veterinary checks were not implemented satisfactorily; additionally shortcomings were noted in relation to the supervision of non-EU conforming consignments (transit, ship suppliers, free and customs warehouses) and verification of destruction of catering waste from international means of transport.

While deficiencies were detected in the facilities and infrastructure in most countries, these were rarely sufficiently serious as to compromise the effectiveness of the control system. However, where recommendations of previous reports were followed-up, these deficiencies were found to be persistent and unresolved in all except one of the MS visited. Where new BIPs were proposed by the MS and where existing BIPs were being modified, these were generally found to be in compliance with requirements.
Measures preventing imports of products for personal consumption were put in place during the period of this report. However, in most MS, their implementation was delayed and was not totally effective.

For the import control systems to operate at optimum effectiveness, co-operation of all the authorities and official bodies involved is essential. Of particular importance is the co-operation between the veterinary and Customs authorities, which is necessary to ensure that all consignments of veterinary interest are identified and selected for checking; that non-EU conforming consignments are properly supervised and channelled; and that controls of freight and of passenger luggage are appropriately and correctly targeted. Adequate controls are highly dependant on an effective co-operation, in particular at local level. Although improvement was noted, the sharing of information with Customs authorities and the programming of Customs systems to identify consignments of veterinary interest were less than optimal.

Since the period covered by this report, the control systems and their implementation have continued to evolve. However, the issues identified above require further attention as they constitute risks for animal and public health; in particular more intelligence is needed on consignments actually arriving at the border, the standard of veterinary checks needs to be improved and the control over warehouse procedures needs to be tightened up.

The need for clarifying the content of the captain’s declaration has been acknowledged.

6. FOLLOW-UP ACTION

6.1. RECOMMENDATIONS MADE FOLLOWING MISSIONS

Recommendations to all MS concerned were made in the individual reports in order to correct the deficiencies found, within a certain timeframe.

Recommendations were also made to CS in particular in areas where legislation needs to be developed or where the correct transposition of the legislation needs to be verified. Recommendations were also made to the CS for the approval of new BIPs or for modification of the approval of BIPs if relevant deficiencies are not rectified.

6.2. COMPETENT AUTHORITY RESPONSE

Every CCA provided a response to the recommendations made. However, guarantees concerning the correction of the deficiencies were in many cases incomplete, and in some cases complete action plans were not received.

6.3. FUTURE ACTION

The introductory section referred to enlargement and to developments that have occurred in EU legislation since the period covered by the present report. The report also in the summary results acknowledges that the requirements of the legislation are not wholly in step with prevention of potential risks for animal and public health of the Community. Enlargement has also raised new problems of trade harmonisation and in view of the identified common weaknesses found for many procedures, serious consideration is now being given by the CS to a thorough review of the requirements of the EU import legislation on procedures, in conjunction with the MS and stakeholders. Such a review could include looking at better of integration of customs and veterinary services intelligence on imports, prevention of fraud, and moves towards introduction of electronic certification. It is also essential that future import controls move towards a risk based approach to maximise resources and concentrate detailed inspection on highest risk countries and commodities.
This report acknowledges that the requirement in Decision 2001/881/EC for the FVO to visit every BIP every year was difficult and was not risk based. The Commission services therefore subsequently presented an amendment of this requirement in Commission Decision 2005/13/EC\(^{(15)}\), to base future FVO import inspections in Member States BIPs onto a risk assessment basis.

Legislative review and update will lead to clearer requirements, enabling MS to apply them in a more harmonised way and to eliminate contradictions within existing legislation.

To improve the intelligence on consignments actually arriving at the border, the Commission developed in consultation with MS two Regulations. These go some way to providing a legal basis for coordination with other enforcement services and access to relevant national databases and integration of information technology systems for veterinary services as required Art. 6 and 7 of Commission Regulation (EC) No 136/2004\(^{(16)}\) and Art. 5 and 6 of Commission Regulation (EC) No 282/2004\(^{(17)}\).

In order to have a global and uniform approach with regard to official controls, Regulation (EC) No 882/2004 stipulates that MS should establish and implement multiannual control plans in accordance with broad guidelines drawn up at Community level. It is envisaged that with the establishment and implementation of the multiannual control plans supervision of the import control systems in MS will be more structured, focused and thus more effective.

A co-ordinated programme of training is being established for staff working in border inspection posts in conjunction with the MS. The CS are currently engaged in the organisation of seminars in accordance with Art. 27 of Directive 97/78/EC, which requires that the CS draw up guidelines for a special training programme.

A fundamental review of the EU animal health strategy, including measures related to imports of animals and animal products, is in progress and an ex-ante evaluation is about to be undertaken by independent contractors.

To reflect further developments in this area, the enactment of new legislation in the interim and the targeted inspection missions carried out by the FVO in 2004/2005, it is intended to produce the next of these overview reports in 2006.
ANNEX 1 – LEGAL REFERENCES

(2) Commission Decision 2001/881/EC of 7 December 2001 drawing up a list of border inspection posts agreed for veterinary checks on animals and animal products from third countries and updating the detailed rules concerning the checks to be carried out by the experts of the Commission - OJ L 326, 11.12.2001, p. 44


(12) Council Regulation (EC) No 1093/94 of 6 May 1994 setting the terms under which fishing vessels of a third country may land directly and market their catches at Community ports - OJ L 121, 12.05.1994, p. 3


(15) Commission Decision 2005/13 of 3 January 2005 amending Decision 2001/881/EC drawing up a list of border inspection posts agreed for veterinary checks on animals and animal products from third countries and updating the detailed rules concerning the checks to be carried out by the experts of the Commission – OJ L 6, 08.01.2005, p 8


ANNEX 2 - BIP MISSIONS CARRIED OUT BY THE FVO IN 2002 – 2003

<table>
<thead>
<tr>
<th>Member State, in 2002</th>
<th>Date of mission</th>
<th>Reference number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spain</td>
<td>29.01. – 08.02.2002</td>
<td>DG(SANCO)/8557/2002</td>
</tr>
<tr>
<td>UK (1 new BIP)</td>
<td>04. – 05.02.2002</td>
<td>DG(SANCO)/8620/2002</td>
</tr>
<tr>
<td>Portugal</td>
<td>11. – 15.03.2002</td>
<td>DG(SANCO)/8559/2002</td>
</tr>
<tr>
<td>Austria</td>
<td>03. – 12.06.2002</td>
<td>DG(SANCO)/8562/2002</td>
</tr>
<tr>
<td>Italy (2 new BIPs)</td>
<td>27. – 28.06.2002</td>
<td>DG(SANCO)/8666/2002</td>
</tr>
<tr>
<td>Germany</td>
<td>23. – 27.09.2002</td>
<td>DG(SANCO)/8680/2002</td>
</tr>
<tr>
<td>Belgium (1 new BIP)</td>
<td>28. – 29.11.2002</td>
<td>DG(SANCO)/8737/2002</td>
</tr>
<tr>
<td><strong>In 2003:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Denmark (3 new BIPs)</td>
<td>20. – 27.01.2003</td>
<td>DG(SANCO)/9017/2003</td>
</tr>
<tr>
<td>Italy</td>
<td>06. – 14.03.2003</td>
<td>DG(SANCO)/9031/2003</td>
</tr>
<tr>
<td>France (1 new BIP)</td>
<td>20.05.2003</td>
<td>DG(SANCO)/9159/2003</td>
</tr>
<tr>
<td>Ireland</td>
<td>03. – 06.06.2003</td>
<td>DG(SANCO)/9160/2003</td>
</tr>
<tr>
<td>Sweden (1 new BIP)</td>
<td>20. – 22.08.2003</td>
<td>DG(SANCO)/9268/2003</td>
</tr>
</tbody>
</table>