GENERAL REVIEW REPORT

OF THE MISSIONS CARRIED OUT IN MEMBER STATES

CONCERNING

VETERINARY CHECKS AT BORDER INSPECTION POSTS

2000 - 2001
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<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tbody>
<tr>
<td>FVO</td>
<td>Food and Veterinary Office</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>CCA</td>
<td>Central Competent Authority</td>
</tr>
<tr>
<td>CA</td>
<td>Competent Authority</td>
</tr>
<tr>
<td>CS</td>
<td>Commission services</td>
</tr>
<tr>
<td>HC</td>
<td>Products of animal origin, fit for human consumption</td>
</tr>
<tr>
<td>NHC</td>
<td>Products other than HC</td>
</tr>
<tr>
<td>MS</td>
<td>Member State(s) of the European Union</td>
</tr>
<tr>
<td>AH</td>
<td>Animal health</td>
</tr>
<tr>
<td>PH</td>
<td>Public health</td>
</tr>
<tr>
<td>RASFF</td>
<td>Rapid Alert System for Food and Feed of the European Commission</td>
</tr>
<tr>
<td>OLAF</td>
<td>European Anti-Fraud Office</td>
</tr>
<tr>
<td>Positive list</td>
<td>List of products of animal origin and live animals subject to veterinary checks</td>
</tr>
<tr>
<td>A</td>
<td>Austria</td>
</tr>
<tr>
<td>B</td>
<td>Belgium</td>
</tr>
<tr>
<td>DK</td>
<td>Denmark</td>
</tr>
<tr>
<td>D</td>
<td>Germany</td>
</tr>
<tr>
<td>EL</td>
<td>Greece</td>
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<tr>
<td>E</td>
<td>Spain</td>
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<td>F</td>
<td>France</td>
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<tr>
<td>FIN</td>
<td>Finland</td>
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<td>I</td>
<td>Italy</td>
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<td>L</td>
<td>Luxembourg</td>
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<tr>
<td>NL</td>
<td>Netherlands</td>
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<tr>
<td>P</td>
<td>Portugal</td>
</tr>
<tr>
<td>S</td>
<td>Sweden</td>
</tr>
<tr>
<td>UK</td>
<td>United Kingdom</td>
</tr>
</tbody>
</table>
1. **INTRODUCTION**

In 2000/2001, the Food and Veterinary Office (FVO) carried out inspection missions in all Member States in relation to import controls at Community-approved Border Inspection Posts (BIPs). These missions form a routine part of the annual inspection programme of the FVO.

This report provides an overview of the outcome of these missions and was drawn up on the basis of the individual, detailed mission reports produced following each inspection. Annex I contains reference details of these individual reports.

Its purpose is to present an indication of the state of application of EU requirements concerning imports of live animals and animal products, at Community-level, as laid down in Art 2 (3) of Commission Decision 2001/881/EC\(^1\) as amended.

2. **OBJECTIVE OF THE MISSIONS**

The objectives of these missions were:

1. 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, and
2. to verify the application of these requirements in the Border Inspection Posts and related premises visited.

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

3. **LEGAL BASIS**

The missions were carried out under the general provisions of Community legislation and, in particular:

- Council Directive 97/78/EC\(^2\) of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries, and in particular Article 6 and 23;
- 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;

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\(^1\) OJ L 326, 11.12.2001, pp 44 - 62
\(^2\) OJ L 24, 30.01.1998, pp 9 - 30
\(^3\) OJ L 268, 24.09.1991, pp 56 - 68


4. BACKGROUND INFORMATION

4.1. GENERAL

Consignments of live animals and animals products which are introduced into the EU are subject to veterinary checks carried out by official inspection services of the Member States. These checks are carried out at agreed border inspection posts (BIPs), which are 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 283 BIPs at regular intervals. Thus, the FVO is required to inspect BIPs with an annual throughput of more than 2000 consignments each year (62 BIPs), and smaller ones less frequently. In addition, the FVO visits both all proposed new BIPs in the Member States for their approval as well as those already agreed for which additions to the categories of approval are requested.

4.2. MISSION ORGANISATION

In order to ensure an efficient conduct of the missions, each was prepared using a pre-mission questionnaire which had to be answered by the (Central) Competent Authorities ((C)CA) in the Member States. 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 equally held in each BIP concerned, to present the findings and discuss questions with the BIP staff and the local and/or regional authorities. 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 proved themselves both open and constructive in their responses to the inspection teams.

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

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4.3. MISSION ACTIVITIES
In 2000 the FVO carried out 13 inspections in 12 Member States during which 89 agreed BIPs and 4 new facilities proposed for approval as BIPs were inspected. In 2001 6 inspections in 6 Member States were carried out during which 31 agreed BIPs and 3 new facilities of which one was proposed for the approval as a new BIP and 2 existing BIPs was requested to modify the approval were inspected.

All mission reports have been published on the Internet at:


An overview of the inspections carried out in 2000 and 2001 is attached in Annex I.

5. FINDINGS

Note to the reader: the findings refer to the situation 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 in the different MS. However, in each MS, BIPs were identified where the number of staff was not adequate. In some MS the number of staff was insufficient at regional and/or central level of the competent authorities to provide the necessary training and ensure supervision of the BIPs. In a few MS the limited supervision of approved warehouses showed that the number of veterinarians for this task was insufficient.

Although training concerning import controls was provided in all MS, none had established a general training programme including, in particular, repeated-training ("refresher" courses). Therefore training was insufficient for staff in most BIPs visited in all MS in relation to the veterinary checks and the administrative procedures.

5.1.2. Co-operation between competent authorities

Although there was mostly good co-operation and exchange of information at central, regional and local level of the competent authorities, the co-operation with other services involved with imports, e.g. customs, airport, rail and port authorities, in particular for the identification and selection of consignments, was not close enough. In the MS with split responsibilities of the veterinary services for public health and animal health the co-operation between these services was not always sufficient at central, regional, local and/or BIP-level.

Co-operation with local authorities as port, airport and rail authorities was not always sufficiently adequate to ensure the correction of deficiencies observed during previous inspections and to ensure the supervision of transit consignments. Co-operation with other official local authorities was insufficient in relation to the results of the checks on galley and kitchen waste.

Except for NL, where part of the veterinary checks were delegated to the customs, co-operation of the veterinary services with customs was not adequate. The positive lists
of consignments to be checked in BIPs as submitted to customs were incomplete in all MS where they were used. In some MS customs did not receive such positive lists. Although customs had computerised systems in which TARIC-codes were linked to veterinary checks, in none of the MS had all relevant TARIC-codes been 'flagged' to indicate that these consignments were subject to those checks.

The performance of customs was mostly adequate, although in one MS each 6 months 1-2 consignments bypassed the veterinary checks and in another MS one consignment was released for free use although on the relevant Annex B the opposite veterinary decision had been indicated.

5.1.3. Transposition of EU legislation

The relevant import legislation was in general transposed. However, instances of incomplete/incorrect transposition and/or implementation were noted (e.g. Council Directives 97/78/EC, 91/496/EEC and 96/43/EC, several Commission Decisions related to veterinary checks).

In one MS, Council Directive 96/43/EC had not been transposed and in another MS only partly; both had already been noted during previous missions.

In some MS there was no clear legal procedure for the approval of new BIPs and/or for the suspension of existing BIPs.

5.1.4. Implementation of EU requirements

In most of the MS, the Commission Decisions concerning veterinary checks were immediately applicable; however, the applicability of these requirements was delayed in some MS where administrative procedures were necessary to give effect to the requirements.

In most of the MS, national guidelines/instructions for the harmonised implementation of the import controls either did not exist or were not always up-to-date.

In a few MS, the national lists of approved BIPs were not completely in accordance with the list in Commission Decision 2001/881/EC or with Recommendation nr. 1/94 of the EEC/Switzerland Joint Commission.

In most of the MS there was no plan for monitoring at the BIPs for residues, pathogenic organisms or other substance 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(6).

No plans were submitted to the Commission on the nature of the checks to be carried out on imports in the overseas departments and certain islands as required by Article 18 of Council Directive 97/78/EC for the MS concerned.

(6) OJ L 9, 15.01.1993, pp 33 - 41
5.1.5. Supervision and monitoring

Although all MS receive at central level statistics on the imported consignments, none of the CCAs have introduced comprehensive control programmes for monitoring the import controls on live animals and animal products. In some MS, inspections of BIPs were carried out (A, DK, FIN, L and F; E, S and B only for PH) or planned to be carried out (UK and NL). However, only in few MS (A, DK, FIN, L and F; S and B only for PH) reports were available of these inspections, and an adequate follow up action did not always take place.

5.2. IMPLEMENTATION OF EU-LEGISLATION IN BORDER INSPECTION POSTS

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

5.2.1. Facilities, equipment and hygiene

One of the most important deficiencies highlighted in the reports is in relation to facilities, where major non-compliances are still reported in all MS. In this context, it has to be noted that the existing requirements are in place since 1991, and that the pre-listing period expired in 1995.

The improvements noted in most BIPs following the previous round of missions were very limited.

The situation of the facilities is clearly better for the new applications of BIPs, for which the facilities were mostly adequate at the time of the approval visit. There was one exception in one MS in which the modification of the approval of two BIPs was requested but the requirements were not fulfilled.

For equipment, improvements were noted in all MS visited. Nevertheless, some major non-compliances were detected in relation to the administrative and technical equipment (e.g. no ANIMO-system in some BIPs, no technical equipment for NHC-products or for live animals in many inspection rooms). Although this had been mentioned in previous reports, the corrective action taken in the MS concerned was not adequate. In almost all the BIPs minor deficiencies in relation to technical equipment in the inspection rooms were found.

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 etc.) and the lack of technical equipment the proper hygienic working conditions were not always guaranteed. Sometimes no correction of deficiencies mentioned in previous reports could be observed during the missions. 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 each BIP, although not always the nearest one was used. Complete lists of those establishments existed in most MS.

In 3 MS, consignments which should have been destined for destruction were buried or land-filled despite the presence of suitable premises for their destruction.
Slaughterhouses and laboratories were available to each BIP.

Approved quarantine centres according to Article 10 of Council Directive 91/496/EEC do not exist within the EU.

The staging points published by the EU were used if necessary. However, for some staging points annexed to BIPs the approval did not reflect the situation on the spot as an adequate separation between consignments of live animals in intra-community trade or intended for export, and imported consignments, was not ensured.

5.2.3. Documentation and registration

Some improvement was noted in all MS visited and the relevant documentation was present in nearly each BIP. However, the flow of information from the CCA to the BIPs for updating and completion of the documentation was not always optimal, and minor problems concerning the updating of information were noted; this concerned in particular messages on consignments rejected in other MS, and RASFF-messages.

Animal health requirements of other MS for non harmonised live animals were often not present, as were establishment lists of other MS for non harmonised products, in particular lists of third countries of part two of Commission Decision 97/296/EC(7) concerning the import of fishery products.

Some MS have developed general databases containing information on the incoming consignments (I, E - PH). However, apart from these two MS, in the BIPs the necessary information was not always kept in registers in accordance with EU-provisions; in most cases this deficiency had already been identified in previous reports. In several cases, the data available in the BIPs during the mission did not match the data received from CCA before the mission.

Records of the checks for the destruction of kitchen/galley waste unloaded from international means of transport were not available in most of the BIPs; this had already been recorded as a deficiency in previous reports.

5.2.4. Identification and selection of the consignments

In general there was a system for identification and selection of the consignments in place at the BIPs. However, there was not always enough co-operation between the official veterinarians and the different authorities involved, e.g. customs, port, rail and airport authorities, in order to have a complete overview on all the incoming, outgoing and consignments in transit.

The co-operation was often based on personal involvement; BIP staff did not often take a pro-active approach to receive the necessary information. The information about the arrival of consignments and their destination provided to the official veterinarians of the BIPs was insufficient as manifests were not received in most of the BIPs, in particular in rail BIPs, or there was limited or no access to the manifests in some BIPs.

This was already mentioned in previous reports. In cases when the manifests gave incomplete information on consignments there was often no follow up by the veterinarians.

In BIPs with higher throughput the BIP staff was involved in the system for identification and selection of consignments or took an active part in it, whereas this

(7) OJ L 122, 14.05.1997, pp 21 - 22
was not the case in most BIPs with low throughput. Furthermore, the BIP-staff did not have a proper supervision of those selections as cross checks between the manifests and the notifications of the consignments were not always carried out. In some BIPs cross checks were carried out but only in very limited numbers and, in some cases, several days after the arrival of the consignments.

The CITES-points\(^{(8)}\) of entry did not always correspond to approved BIPs. In several cases they were not approved for the same categories of products and live animals as the BIPs.

### 5.2.5. Procedures

In all MS, various shortcomings in the procedures of the veterinary checks were noted. However, some improvements were noted in particular in MS where CCAs carried out own inspections and follow-ups (A, F, S, B – PH).

The following **major deficiencies** were detected:

- Although it was already indicated in previous reports, in two MS all consignments of fishery products from non-approved Russian vessels continued to be imported, sometimes without any certification.

- Some consignments from unauthorised third countries or from non-approved establishments were accepted. Consignments of non-harmonised products or live animals destined to other MS were accepted although the relevant checks could not be carried out properly as requirements of the importing MS were not available.

- The traceability of some consignments was not always ensured because of the frequent change of destination in relation to the destination in the health certificate (e.g. “to order”) and the destination chosen by the importer.

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

Other shortcomings found concerned the following:

- Although **notifications** of products of animal origin and live animals took place mainly before the arrival of the consignments, many cases were noted in all MS where considerable delays occurred. It was also found that the information on the notifications was incomplete, and that the definition of “consignment” was still not respected in some cases in each MS.

- **Certification** used and issued for the veterinary clearance of products of animal origin and live animals was not always in accordance with the one foreseen by the EU legislation. The model of the Border Crossing Certificate laid down in Commission Decision 92/527/EEC is not updated as it still refers in point 13.c to Directive 77/489/EEC.

- Although the BIP staff was in general motivated, the **veterinary checks** (documentary, identity and physical) were not always carried out to the extent necessary and in accordance with the provisions of the legislation, partly due to the lack of instructions, insufficient resources, or insufficient training. In some cases physical checks were carried out at the place of destination or in an open area rather than inside the facilities. The reduced frequency of physical checks for products

and the frequency of laboratory checks for live animals were not always applied as foreseen in legislation. Even within the same MS different BIPs applied the reduced frequency regime differently (e.g. no reduced checks on harmonised products, reduced checks also on non-harmonised products, no unpredictable system in place, no overview). Physical checks on live animals were not always carried out for non-harmonised animals and for harmonised animals blood samples were not always taken.

- The procedure for channelled consignments was not correctly applied, e.g. there was no ANIMO confirmation received from the veterinary authority of destination, in particular, if destination was in a different MS, no list of authorised establishments existed and the Annex B was not issued correctly. The procedures for re-imported and for re-dispatched consignments were also not always followed correctly.

- The advantages of the use of the ANIMO-system were not always properly understood, and messages were not always sent as required in all MS.

- The transit and transhipment procedures were not always correctly applied. There was sometimes no overview on such consignments due to a lack of information in relation to the identification and selection and to the co-operation with customs, port, airport and rail authorities.

- Discrepancies found during the veterinary checks were often not followed by corrective actions, in some BIPs due to the lack of personnel.

Reinforced checks on consignments of US-beef were applied correctly with some minor exceptions.

5.2.6. Animal Welfare

It was found that the requirements for checks according to the animal welfare legislation were not always completely respected as incomplete route plans or incomplete documentary checks on route plans were noted in some MS. In cases where deficiencies were found these were not followed up accordingly.

5.2.7. Free and customs warehouses, ship suppliers

More detailed legislation concerning the supervision of non-EU conforming consignments was put in place in 2000 and it was noted that some MS still have some problems with its implementation.

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 the MS concerned.

The veterinary supervision of free and customs warehouses and ship suppliers was mostly insufficient. Non-EU-conforming consignments were found in some free and customs warehouses and ship suppliers which were not approved or authorised to receive them. Some non-EU-conforming consignments were also found in the premises of caterers at airports, although caterers are not allowed to handle these.

The requirements and procedures for non-EU-conforming consignments were not completely respected, as was evidenced by the occurrence of incomplete registration in these customs/free warehouses and ship suppliers, non-separated storage of the
consignments, insufficient checks on their entry or exit, exit certification, and the absence of confirmation from the veterinary authority of destination.

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.

5.2.8. **Kitchen waste**

Although in all MS arrangements were in place for the destruction of products intended for consumption by crew and passengers on international means of transport or of their kitchen/galley waste when they were unloaded, the official veterinarians in the BIPs did not have evidence that these arrangements were upheld. This continues to be a repeated finding during inspections, since 1992.

Moreover, this waste was not always sent for destruction but in some MS buried or disposed of at landfill sites although suitable premises for the destruction were available (see also point 5.2.2.).

5.2.9. **Inspection fees**

Inspection fees were collected in all MS, however, they were not collected in accordance with the legal requirements in most of the MS. In some MS customs and BIPs did not request a guarantee that the fees had been or would be paid as laid down in Article 7 of Council Directive 97/78/EC and for the charging at the Customs office or directly at the BIP as laid down in Annex A, Chapter II, paragraph 4 and Chapter III, section II paragraph 5 of Council Directive 96/43/EC. In two MS no veterinary fees were collected for the checks on NHC-products, in one MS no fees for milk products, in one MS there were no fees collected except for meat, in one MS there were no fees collected for live animals and in one MS fees were not collected in all BIPs. The minimum fee per consignment was not respected for certain categories in 5 MS. Sometimes the BIP-staff did not have an overview on the amount of fees charged. In one MS, a reduction for the fees was applied although this had already been identified as a deficiency in the previous FVO-report.

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\(^9\). It should be noted that this categorisation relates to non-compliance with legislation and not necessarily with potential risks for public or animal health.

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\(^9\) 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 and 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 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</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>compliance</td>
</tr>
<tr>
<td>Veterinary organisation: number of staff</td>
<td>75</td>
</tr>
<tr>
<td>Veterinary organisation: training of staff</td>
<td>8</td>
</tr>
<tr>
<td>Facilities - products</td>
<td>7</td>
</tr>
<tr>
<td>Facilities – live animals</td>
<td>8</td>
</tr>
<tr>
<td>Equipment</td>
<td>8</td>
</tr>
<tr>
<td>Hygiene*</td>
<td>1</td>
</tr>
<tr>
<td>Documentation</td>
<td>15</td>
</tr>
<tr>
<td>Registration</td>
<td>9</td>
</tr>
<tr>
<td>Identification/Selection</td>
<td>1</td>
</tr>
<tr>
<td>Procedures (notification, veterinary checks, decision)</td>
<td>0</td>
</tr>
<tr>
<td>Transit - warehouses</td>
<td>0</td>
</tr>
<tr>
<td>Inspection fees</td>
<td>13</td>
</tr>
</tbody>
</table>

As some Member States have separate services for Animal Health and for Public Health which were evaluated separately the number of BIPs in the above table (133) does not correspond with the number of BIPs actually visited (127).

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

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 percentages of the BIPs visited:

<table>
<thead>
<tr>
<th></th>
<th>Veterinary organisation: number of staff</th>
<th>Veterinary organisation: training of staff</th>
<th>Facilities - products</th>
<th>Facilities – live animals</th>
<th>Equipment</th>
<th>Hygiene*</th>
<th>Documentation</th>
<th>Registration</th>
<th>Identification/Selection</th>
<th>Procedures (notification, veterinary checks, decision)</th>
<th>Transit - warehouses</th>
<th>Inspection fees</th>
</tr>
</thead>
<tbody>
<tr>
<td>compliance</td>
<td>56,4</td>
<td>6,2</td>
<td>5,6</td>
<td>10,3</td>
<td>6,2</td>
<td>0,8</td>
<td>11,5</td>
<td>7,1</td>
<td>0,8</td>
<td>0</td>
<td>11,2</td>
<td></td>
</tr>
<tr>
<td>minor non-compliances</td>
<td>21,0</td>
<td>67,7</td>
<td>13,5</td>
<td>39,7</td>
<td>49,2</td>
<td>15,3</td>
<td>70,8</td>
<td>78,1</td>
<td>71,1</td>
<td>38,7</td>
<td>71,9</td>
<td>64,7</td>
</tr>
<tr>
<td>major non-compliances</td>
<td>22,6</td>
<td>26,1</td>
<td>80,9</td>
<td>50,0</td>
<td>44,6</td>
<td>83,9</td>
<td>17,7</td>
<td>14,8</td>
<td>28,1</td>
<td>61,3</td>
<td>28,1</td>
<td>24,1</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.
6. CONCLUSIONS

6.1. COMPETENT AUTHORITIES

During this series of missions it was noted in all MS that existing import control systems are not adequately supervised by (C)CAs.

Although most of the relevant import legislation has been transposed, deficiencies were found throughout the MS in the implementation of the legislation, in particular for procedures. This was mainly due to the incomplete or incorrect transposition of EU-legislation or the absence of detailed national guidelines or instructions. The requirements for financing veterinary inspections were not implemented correctly due to the lack of transposition in some MS.

In cases where the official services competent for import controls were not adequately resourced, the import controls could not be carried out fully in accordance with the EU-legislation. The lack of national training programmes, in particular "re-fresher" courses, resulted in a lack of up-to-date knowledge of the local staff on import procedures.

Due to the lack of supervision and monitoring, (C)CAs can not completely ensure that veterinary checks on products and live animals from third countries are carried out in accordance with Council Directives 97/78/EC and 91/496/EEC. As the list for the CITES-points of entry was not always in accordance with the list of approved BIPs it could not be ensured that all veterinary consignments arrive in approved BIPs.

Due to the lack/incompleteness of the positive lists, it cannot be ensured that all relevant consignments are undergoing veterinary checks.

6.2. APPLICATION OF EU-LEGISLATION IN BIPS

6.2.1. Facilities, equipment and hygiene

Some general improvement was noted, but the major deficiencies found in facilities show that most of the existing BIPs still do not fulfil the EU-requirements. This has an impact on the adequacy and operational hygiene of the veterinary checks. Due to the lack of storage facilities it is not ensured that detained consignments, pending laboratory tests, remain under veterinary supervision. The lack of technical equipment does not allow adequate physical checks. The absence of the ANIMO-system in some BIPs does not allow a rapid transfer of information while the traceability of the relevant consignments is not ensured.

6.2.2. Documentation and registration

Despite improvements noted with regard to the documentation in most of the BIPs, the continued incomplete and insufficiently updated documentation does not allow fully adequate veterinary checks of the consignments, in particular if certain safeguard measures have been adopted by the Commission.

Some improvements were noted for the registration in some MS but due to the incomplete registers a proper overview and traceability of the consignments was not possible, in particular if individual consignments have to be traced.

In relation to the records of the results for the destruction of kitchen/galley waste, only very few improvements were noted. Due to the lack of those records the BIPs do not have an overview whether these wastes are destroyed as foreseen in EU-legislation.
6.2.3. Identification and selection of the consignments

The official veterinarians in most of the BIPs do not have a complete overview of which consignments are arriving, have arrived or are in transit procedure in their posts as the systems for identification and selection were incomplete. There was only limited improvement in relation to previous reports concerning checks on manifests. Therefore the BIP staff cannot ensure completely that veterinary checks are carried out on products of animal origin and on live animals as foreseen in EU-legislation.

6.2.4. Procedures

A slight improvement was noted in all the BIPs visited. However, the working procedures foreseen in Council Directives 97/78/EC and 91/496/EEC and in Commission Decisions 93/13/EEC, 92/527/EEC(10), 97/794/EC(11), 94/360/EC(12) were not always correctly applied.

In the cases where deficiencies were detected during the veterinary checks, corrective action was not always taken or the follow up was missing.

Transit

The procedures for entry, transit and exit of non-EU-conforming consignments were not always applied as foreseen in Article 11 of Council Directive 97/78/EC and Commission Decision 2000/208/EC(13) in all MS.

Animal Welfare

Although the relevant legislation is in place in most of the MS, the checks were not always carried out as foreseen to ensure adequate protection of animals during transport.

6.2.5. Free and customs' warehouses, ship suppliers

In all MS there is a veterinary system to supervise free and customs warehouses and ship suppliers, in particular for non-EU-conforming consignments. However, the systems are not completely in accordance with the requirements foreseen in Article 12 and 13 of Council Directive 97/78/EC and Commission Decisions 2000/208/EC and 2000/571/EC(14), in particular with regard to the use of the specific veterinary certificate laid down in the Annex of 2000/571/EC. Therefore the proper supervision and traceability of non-EU-conforming consignments is not fully ensured.

6.2.6. Kitchen waste

In all MS, arrangements are in place for the destruction of products intended for consumption by crew and passengers on board of means of transport operating internationally, and their waste. However, the inadequate controls on its disposal imply that the official veterinarians in the BIP did not have the evidence that these arrangements were upheld.

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(12) OJ L 158, 25.06.1994, pp 41 - 45
(13) OJ L 64, 11.03.2000, pp 20 - 21
6.2.7. **Inspection fees**

The collection of veterinary fees is not always in accordance with the EU-legislation. This could result in distortions of the import trade.

6.3. **OVERALL ASSESSMENT**

In all MS, systems are in place for checks on imports and transit of products of animal origin and live animals. Although some improvements in comparison to previous missions have been noted, these systems can be further enhanced.

Despite improved transposition of legislation, in all MS there are still some gaps in the national legislation when compared with EU-requirements.

Major shortcomings continue to persist in relation to the facilities, mainly for storage of products and for checks on live animals, in relation to the technical equipment necessary to carry out the checks, and in relation to the correct application of procedures. Most of these deficiencies had already been highlighted in previous reports.

It should be noted that the deficiencies mentioned in this report refer to the lack of compliance with the requirements of the Community legislation. As such, they do not necessarily relate to potential risks for public or animal health. However, these risks cannot be completely excluded due to these shortcomings, in particular if consignments from non-approved establishments or vessels are accepted and if the supervision of non-EU-conforming consignments is not improved.

7. **FOLLOW-UP ACTION**

7.1. **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 Commission services (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 to initiate infringement procedures, or to involve OLAF.

7.2. **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 a number of cases action plans were not received. In addition, subsequent inspections have demonstrated that in some MS, remedial actions announced in response to previous inspections had not been taken, or were incomplete.

7.3. **FUTURE ACTIONS**

The approval of BIPs where persistent shortcomings have been identified is kept under continuous revision.

The outcome of this series of missions and the analysis of the MS response to the reports will allow the identification of critical issues in the import check system, and will assist the FVO in prioritising its inspection efforts.

During the missions CCAs requested clarifications on the application or interpretation of existing Community legislation and made suggestions regarding its development.
These suggestions and requests have been sent for consideration to the relevant Commission services.
## ANNEX I - BIP MISSIONS CARRIED OUT BY THE FVO IN 2000 – 2001

<table>
<thead>
<tr>
<th>Member State</th>
<th>Date of visit</th>
<th>Report number</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>In 2000:</strong></td>
<td></td>
<td></td>
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<tr>
<td>Ireland</td>
<td>27.01. – 03.02.2000</td>
<td>DG(SANCO)/1025/2000</td>
</tr>
<tr>
<td>Germany</td>
<td>13. – 24.03.2000</td>
<td>DG(SANCO)/1026/2000</td>
</tr>
<tr>
<td>France (1 new BIP)</td>
<td>13.03.2000</td>
<td>DG(SANCO)/1165/2000</td>
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<tr>
<td>Netherlands</td>
<td>20. – 24.03.2000</td>
<td>DG(SANCO)/1027/2000</td>
</tr>
<tr>
<td>Spain</td>
<td>03. – 12.05.2000</td>
<td>DG(SANCO)/1029/2000</td>
</tr>
<tr>
<td>Austria</td>
<td>22. – 31.05.2000</td>
<td>DG(SANCO)/1028/2000</td>
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<tr>
<td>Denmark</td>
<td>03. – 14.07.2000</td>
<td>DG(SANCO)/1031/2000</td>
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<tr>
<td>UK (1 new BIP)</td>
<td>12.05.2000</td>
<td>DG(SANCO)/1177/2000</td>
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<tr>
<td>Italy</td>
<td>25.09. – 06.10.2000</td>
<td>DG(SANCO)/1264/2000</td>
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<td>Portugal</td>
<td>06. – 17.11.2000</td>
<td>DG(SANCO)/1266/2000</td>
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<tr>
<td><strong>In 2001:</strong></td>
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<tr>
<td>Luxembourg</td>
<td>07. – 09.03.2001</td>
<td>DG(SANCO)/3242/2001</td>
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<td>Finland</td>
<td>02. – 06.04.2001</td>
<td>DG(SANCO)/3243/2001</td>
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<td>Greece</td>
<td>07. – 18.05.2001</td>
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<td>France</td>
<td>11. – 21.06.2001</td>
<td>DG(SANCO)/3210/2001</td>
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<td>UK</td>
<td>15. – 26.10.2001</td>
<td>DG(SANCO)/3387/2001</td>
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<tr>
<td>Netherlands (1 BIP)</td>
<td>19. – 23.11.2001</td>
<td>DG(SANCO)/3386/2001</td>
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