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DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY
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SUMMARY REPORT

Joint Expert Group of Veterinary and Customs Services regarding controls on introduction of live animals and products of animal origin in the Union

08 March 2016

Attendees:

- Customs experts from AT, BE, BG, CZ, DE, EE, EL, IE, FI, FR, HR, HU, IT, LV, LT, LX, MT, NL, PL, RO, SE, SI and SK.
- Veterinary experts from all Member States, except Cyprus, and from Norway and Switzerland
- European Commission services DG TAXUD and DG SANTE:
 - DG TAXUD: Pierre-Jacques Larrieu (B1), Valérie Enjolras (B1), Anna Dubielak (A2), Jenia Peteva (A2), Isabelle de Stobbeleir (B1), Francesco Siano (A4), Irena Mulica (A3). Giuseppe Ventrella
 - DG SANTE: Ella Strickland, Patricia Langhammer, Bruno Saimour (all D2), Hélène Klein (G2), Gudrun Gallhoff and Laura Perez Alvarez (both G3), Izaskun El Busto Saenz (F4).

Agenda point / speaker	Summary of discussions
Introduction	<p>Ella Strickland, Head of Unit D2, responsible for Bilateral International Relations in DG SANTE, welcomed the participants. This meeting is a clear demonstration of the willingness to improve further the cooperation between Customs and SPS authorities. It is particularly important in the context of the new Union Customs Code and the future Official Control Regulation (OCR) which will establish cooperation arrangements between the different competent authorities dealing with animals and animal products entering the Union. She reminded that the World Customs Organisation (WCO) and World Organisation for Animal Health (OIE) joined forces and signed in June 2015 a revised Cooperation Agreement.</p> <p>Pierre-Jacques Larrieu, Head of Unit B1 in DG TAXUD in charge of controls on prohibited or restricted goods reminded that cooperation between authorities is a priority of Commissioner Mr Moscovici. Therefore DG TAXUD is promoting any initiative that would enhance cooperation between customs and its partner authorities.</p> <p>The last workshop with the two authorities was organised back in 2007 on avian</p>

	<p>influenza but it is the first time that a meeting is organised with all representatives from both expert groups. At the customs point of view, it is particularly important to organise this meeting at this period of the year, few months before the coming into force, the 1st of May 2016, of the new Customs Code, the "Union Customs Code (UCC)".</p>
<p>Item 1. Impact of the UCC on scenarios of introduction of live animals and products of animal origin in the EU: customs and veterinary controls</p>	
	<p>DG SANTE and DG TAXUD jointly presented the different scenarios of introduction of live animals and products of animal origin in the EU.</p> <p>For each scenario both customs and veterinary control procedures were described in detail. In addition, this presentation gave the opportunity to present the changes upcoming in the above mentioned UCC.</p> <p>In relation to transit consignments, AT supported by BE informed that in box 44 of the NCTS the reference number of the Common Veterinary Entry Document (CVED) should be recorded, however, this is technically not possible. DG TAXUD replied that there is a "free text" box (attribute) in NCTS with alpha-numerical characters where the reference of the CVED can be filled in and AT stated that a "free text" field can never be processed automatically, if there are no specific codes available.</p> <p>UK informed the participants that they ask the importer to fill in box 44 in a standardised format so that the data can be processed automatically.</p> <p>DG TAXUD invited MS to share their concerns about NCTS via webinars which are organised regularly.</p> <p>The scenarios with the Union goods raised several questions, e.g. AT asked for the legal basis for customs to check the intra-trade certificate at exit from the Union in scenario 7 but not in scenario 8.</p> <p>DG SANTE replied that there is a general provision in the UCC, Article 188, about the verification of supporting documents by customs. In addition, Article 6 of Directive 89/662/EEC and Article 7 of Directive 90/425/EEC require the Member States to ensure that, during the checks carried out at the places where animals and products from a third country may be brought into the Union, such as ports, airports and border inspection posts, a documentary check is made on the origin of the products.</p> <p>RO asked if in Scenario 7 also T2L could be used and DG TAXUD confirmed that use, however, it would not be beneficial to the trader.</p> <p>BE missed a reference to customs seals for such Union goods. DG TAXUD replied that seals are fixed on the consignment by customs or the authorized consignee/consignor in case of transit.</p> <p>DE asked about the T5 procedure mentioned in Article 8 of Directive 97/78/EC. DG SANTE confirmed that in the UCC the T5 document disappeared and it cannot be applied from 01.05.2016. Directive 97/78/EC will not be amended accordingly for the moment as it will take too much time, however, this will be reflected in the implementing and delegating acts for the OCR. For the transitional period, DG SANTE advised to use the T1 procedure together with the channelling procedure in TRACES as referred to in Article 8. The priority for channelled consignment is to be</p>

	<p>transported from the BIP to a specific destination and not to deviate to another destination. AT warned to check the technical possibilities in NCTS before recognising the use of the T1 procedure.</p> <p>DG TAXUD informed that a Q&A will be introduced on T5 procedure and published on DG TAXUD website.</p> <p>FR asked if the COM will produce a summary document about the changes introduced by the UCC. DG TAXUD informed that guidelines are currently drafted by the COM on transit, import and simplified procedures. These guidelines will explain in details the new procedures of the UCC and be published on DG TAXUD website. On the top of that, DG TAXUD will publish a list of Q&A where MS can find some clarifications on the UCC.</p> <p>IT asked if the UCC moves to the control of operators and DG TAXUD replied that the controls of documents and goods are based on risk assessment. The general approach of TAXUD legislation for transit controls does not change with the UCC.</p> <p>In relation to the advanced customs declaration as defined in Article 171 of the UCC, DG TAXUD informed that in case of customs declaration made prior to presentation of the goods to customs; they currently have to be presented to customs maximum 30 days after the customs declaration is lodged. Therefore, the results of the veterinary checks on the CVED can be checked during this time period. There will be a transitional period for the implementation of Article 171 so that Member States will have time to adapt their procedures and IT tools as necessary.</p> <p>UK asked a detailed question to splitting consignments and reconciliation of different consignments and DG TAXUD invited MS to ask more detailed questions after the meeting.</p>
Item 2. FVO audits on official controls of consignments in transit	
	<p>DG SANTE delivered a presentation on the overall conclusions of their series of audits on transit controls, carried out in the Member States from January to October 2015 and outlined that exit checks need to be improved considerably.</p> <p>DE informed that not all exported or re-exported goods are controlled at the exit point in the Union and call for more comprehensive provisions on the obligation for the operators to pre-notify those movements to the authorities at the point of exit.</p> <p>DG SANTE informed that, if possible, such provisions could be laid down in the secondary legislations to the OCR and recalled that details about controls at exit can also be laid down in national legislations.</p> <p>EL asked which authority should be in charge of controls at exit and what would need to be checked. DG SANTE informed that there is no problem if controls are delegated to Customs at national level provided that such delegations are formalized together with the checks to be carried out. A list of truck plates is not considered to be sufficient to confirm the integrity of a transit consignment exiting the Union.</p> <p>AT recalled that the UCC considers customs controls to be fully electronic in the future. Therefore, when a control is delegated to Customs, it is crucial that such controls are supported by the TAXUD-IT-systems to ensure that the controls can be</p>

	<p>carried out in a fully electronic and possibly automatic manner.</p> <p>PL asked, in case of goods in transit through non-Union territories, which controls should be carried out at the BIP of re-entry. DG SANTE replied that for products, a documentary check is sufficient to verify the origin of the goods. It is different for live animals as the animal health status of the non-Union territory needs to be considered. For example hatching eggs, day old chicken or germinal products are not allowed to transit through non-Union countries, which are not listed for these commodities and the local veterinary units issuing intra-trade certificates should consider this.</p>
Item 3. Cooperation between customs and veterinary services :	
	<p>DG SANTE recalled the legal basis in the UCC and the veterinary legislation for cooperation between customs and veterinary services for BIP controls and controls on other goods carried out in non-BIP entry points. DG SANTE reminded MS of the report issued in 2007 by the avian influenza workshop and explained that most of the conclusions are still applicable, although some of them are referring to EU legislation, which has been replaced in the meantime.</p>
Item 3.a Personal consignments	
	<p>BE and HU presented their national cooperation between customs and veterinary services in case of controls of personal consignments. BE reported that in particular joint controls have increased the amount of seized goods.</p> <p>PL asked whether sanctions were applied to passengers in case of seizures and who was supporting the destruction costs. HU and BE do not apply sanctions and in both MS the destruction costs are hold by the competent authorities. In IT, a national law prescribes that destruction costs are hold by the passengers. NL may apply penalties to the travellers in case of recurrence.</p> <p>The NL raised the lack of public awareness about the requirements at import for passengers and informed the participants about the organisation of an information stand at a vacation exhibition in their country. Even if the direct impact of such kind of communication campaign is hard to assess, NL found this initiative very successful.</p> <p>UK raised the issue of Internet sales. DG SANTE answered that they will send soon a questionnaire to MS in order to prepare a specific working group meeting on the enforcement of EU agri-food legislation on Internet sales. DG SANTE reminded MS of the legal basis in the Regulation for personal imports, which allows MS to collect fines in case of short comings.</p>
Item 3.b Pet animals	
	<p>DG SANTE made a presentation about the requirements for the control of pet animals arriving from non-Union countries at EU borders.</p> <p>Then RO and EL made presentations about their national practices regarding controls on non-commercial movements of pet animals.</p> <p>AT informed that most illegal dogs are not discovered at entry into the EU but when they are presented to the local veterinary authorities for the application of the dogs' taxes or licenses. It is then difficult to decide what to do with these dogs, as they could already be for quite some time in the EU.</p> <p>HU informed that its approved serology lab has developed a specific website to help inspectors check the authenticity of lab reports online and they promised to</p>

	<p>circulate the address to the participants.</p> <p>BG asked if it is possible to set down a maximum number of pet animals for the species listed in Part B of Annex I to Regulation (EU) No 576/2013 (pets other than dogs, cats and ferrets). COM answered that pending Union rules are adopted this maximum number can be fixed through the national rules.</p> <p>DK stated that it would be helpful to harmonise the minimum requirements of detention facilities for the non-compliant animal pets intercepted at the entry points of the Union.</p> <p>FI commented that the young pet animals (less than 12 weeks) are often imported to be sold, even when the movement is supposedly declared as "non-commercial". DG SANTE reminded MS that the general rules in Regulation (EU) No 576/2013 need to be backed up by national rules, if MS detect problems. This is particular relevant for the implementation of sanctions. Moreover, although not provided for in Regulation (EU) No 576/2013 the issuing of EU pet passports to owners who are non-EU residents is not recommended since it constitutes a way to abuse the rules that apply to movement of pet animals from non-EU countries. Additional training of or even specific instructions to the veterinarians could help deal with such cases.</p> <p>DK enquired the legal requirements for listing travellers' entry points and DG SANTE replied, it is up to MS to decide, and if the approval as a BIP is needed in order to benefit from trained staff to carry out the controls.</p>
Item 4a. Composite products	
	<p>DG SANTE gave a short presentation on the legal requirements to import composite products into the Union. These food products, containing both processed products of animal origin and products of plant origin, are subjected or not to veterinary checks at the EU borders, according to the nature, the origin, the quantity, and the heat treatment of the animal ingredients. The selection for veterinary checks is based on the CN codes but this classification does not always provide a clear identification of the composite products. Therefore this is a very good example where the "escape codes" are necessary in the TARIC system.</p>
Item 4b. Integration of veterinary checks in TARIC and escape codes	
	<p>DG TAXUD made a presentation about the integration of veterinary checks in TARIC highlighting all the TARIC codes that can be declared in Box 44 of the SAD regarding the live animals and products of animal origin listed in Annex I to Commission Decision 2007/275/EC.</p> <p>DG TAXUD also described the role of so-called "escape codes" which enable the operator to indicate that the goods are not subject to veterinary checks even if the TARIC code provides for veterinary controls (goods not concerned, composite products or goods listed in Annex II to Commission Decision 2007/275/EC).</p> <p>AT highlighted the risk of errors in case of goods coming from Serbia into the EU through Switzerland. If the country of origin on the customs declaration becomes Switzerland then the good will not be subject to veterinary controls and AT requested to refer in TARIC to the dispatch country instead of the country of origin.</p> <p>DG TAXUD replied that for the moment the TARIC cannot manage the dispatch country for the goods, as the SAD refers to the country of origin/destination only;</p>

	but in the next future when the SAD will handle the possibility of declaring up to 999 additional codes, TARIC will be able to find a solution for this specific case.
Item 5. EU CVED Single Window pilot project	
	<p>DG TAXUD made a presentation about the state of play of the EU Single Window initiative for CVED, the main findings of visits to three MS implementing the automated exchange of information and the prospects for the future.</p> <p>AT appreciated the initiative and asked if the COM will draft a legal basis to oblige MS to take part in the EU Single Window for the CVED. Currently the legal basis is the Decision No 70/2008/EC on a paperless environment for customs and trade. DG TAXUD replied that the legislation obliging the MS to join the project is not envisaged.</p> <p>IT supported the Commission activities in the area of the Single Window and informed that they have a national Single Window solution that includes veterinary and phytosanitary controls and is available 24hrs/7days, as customs are interested in rapid clearances. IT asked whether the EU system was operational as well 24hrs/7days. DG TAXUD confirmed the continuous availability of the EU SW-CVED system, indicating that the availability of the helpdesk is limited to specific hours.</p>
	COM concluded the meeting and asked participants to distribute the documents and presentations provided during the day to their colleagues and invited to send any written questions/comments, which could not be treated throughout the day.