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FINAL REPORT OF A SPECIFIC AUDIT

CARRIED OUT IN

BELGIUM

FROM 22 JUNE TO 03 JULY 2009

IN ORDER TO EVALUATE THE IMPORT/TRANSIT CONTROL SYSTEM AND BORDER  
INSPECTION POSTS

IN THE CONTEXT OF A GENERAL AUDIT

*In response to information provided by the Competent Authority, any factual error noted in the draft report has been corrected; any clarification appears in the form of an endnote.*

## ***Executive Summary***

*This report describes the outcome of an audit carried out by the Food and Veterinary Office (FVO) in Belgium, from 22 June to 3 July 2009.*

*Its overall objectives were to evaluate the import/transit control system in place for products of animal origin (POAO), including non-EU-complying, transiting and consignments for personal consumption, as well as live animals, and to verify the application of EU requirements in all listed border inspection posts (BIPs).*

*The main conclusions are as follows:*

*Since the last mission in 2005, the import/transit control system in place has improved relative to previous situation regarding notification of consignments prior to arrival including consignments of POAO destined for third countries and transhipped in an EU port, cross checks carried out between manifests and notifications, collection and disposal of kitchen waste from internationally operating means of transport, flagging of CN-codes which requires veterinary checks in the Customs electronic clearance system and construction of new BIP facilities at Zeebrugge port BIP.*

*The import/transit control system is weakened by the fact, that no procedures are in place, to follow up the deficiencies noted by the central Control Unit which regularly inspects the BIPs. To date no internal or external audits have been carried out at the BIPs.*

*Although there is generally good co-operation between Customs and BIPs there are no provisions for an easy exchange of the information available in the electronic systems which makes information exchange between the services more difficult.*

*At Antwerp, the BIP does not enforce animal health requirements for consignments transhipped directly to third countries, regardless of how long they stay at the port. Notification is received and identity and documentary checks are performed for consignments remaining longer than 20 days. In 2008, according to the records of the BIP, more than 300 consignment of pork meat from Brazil had been transhipped to a third country. The Central Competent Authority (CCA) await the outcome of the ongoing discussion in the Commission Working Groups, before they will issue detailed instructions on this issue.*

*Although in general, veterinary checks and veterinary decision at the BIPs are done correctly, shortcomings noted in certain areas indicate a need for more detailed instructions and further training.*

*Supervision of ship suppliers trading non-EU-complying POAO is weakened due to outstanding transposition of Artt. 12 (4) and 13 of Directive 97/78/EC, detailed instructions and insufficient co-operation between different services responsible for supervision.*

*At the main passenger entry point, the new requirement of Regulation (EC) No 206/2009 regarding checks on passenger luggage are not yet implemented by local Customs, as no instructions and/or training have been provided to them. At the same entry point, non-commercial pet animals were checked but the system did not fully ensure that only pet animals complying with EU requirements enter the Community.*

*Immediate action was requested to the CCA for the BIP Oostende airport as the bad maintenance of the facilities did not allow adequate veterinary checks. Evidence was received on actions taken to rectify the situation.*

*The report makes a number of recommendations addressed to the Belgian competent authorities, aimed at rectifying the identified shortcomings and/or further enhancing the control measures in place.*

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## ABBREVIATIONS AND DEFINITIONS USED IN THIS REPORT

Abbreviation	Explanation
Approval categories	<p>Categories of live animals and animals products for the receipt of which BIPs are approved in accordance with Commission Decision 2001/881/EC, as follows:</p> <p>HC Products fit for human consumption</p> <p>NHC Other products (Products not fit for human consumption)</p> <p>T(CH) Chilled products</p> <p>T(FR) Frozen products</p> <p>NT No temperature requirements</p> <p>(2) Packed products only</p> <p>U Live animals: ungulates (cattle, pigs, sheep, goats, wild and domestic solipeds)</p> <p>E Live animals: registered equidae (as defined in Council Directive 90/426/EEC)</p> <p>O Live animals: other animals (including zoo animals)</p>
BIP(s)	Border Inspection Post (s) as defined in Council Directives 97/78/EC and 91/496/EEC
CA	Competent Authority
CCA	Central Competent Authority
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
CN-code	The goods nomenclature code as laid down by Annex 1 to Council Regulation (EEC) No 2658/87 (i.e. the Combined Nomenclature)
Customs	National Customs Authority within the Ministry of Finance
CVED	Common veterinary entry document for products of animal origin as laid down in Annex III to Commission Regulation (EC) No 136/2004 and for

	live animals as laid down in Annex I to Commission Regulation (EC) No 282/2004.
Decision on the consignment	The decision made by the OV at the BIP and entered on the CVED, as to the outcome of veterinary checks and the resulting fate of consignments.
FASFC	Federal Agency for the Safety of the Food Chain
FPS	Federal Public Service for Health, Food Chain Safety and Environment FPS
FVO	Food and Veterinary Office
Kitchen waste	Catering waste from means of transport operating internationally as defined in Art. 4 (1) (e) of Regulation (EC) No 1774/2002
Manifest	A document specifying in detail the items carried by boat, rail or aeroplane arriving in ports/rails/airports of destination for a specific destination
MS	Member States
NICU	National Implementation and Co-ordination Unit
PCU (s)	Provincial Control Unit (s)
POAO	Products of Animal Origin
Positive list	List of commodities of animal origin which are subject to veterinary checks in BIPs, as specified in Commission Decision 2007/275/EC
RASFF messages	Messages used in the Rapid Alert System for Food and Feed of the European Commission
TRACES	TRAdE Control and Expert System introduced by Commission Decision 2004/292/EC

## 1 INTRODUCTION

This audit of Belgium took place from 22 June to 3 July 2009. The FVO team comprised two inspectors from the Food and Veterinary Office (FVO). The audit was carried out as part of the FVO's planned mission programme. During the audit, the FVO team was accompanied by representatives from the Central Competent Authority (CCA), the Federal Agency for the Safety of the Food Chain (FASCF).

An opening meeting was held on 22 June 2009 with the representatives from the CCA and Customs. At this meeting, the FVO team confirmed the objectives of and itinerary for the audit. Additional information required for the satisfactory completion of the audit was requested from the CCA.

## 2 OBJECTIVES OF THE MISSION

The **objectives** of the audit were:

- to evaluate the import/transit control system in place for POAO and live animals,
- to assess the implementation of EU measures regarding products of animal origin for personal consumption,
- to verify the application of EU requirements, and within this context to assess the implementation of the action plans developed in response to previous FVO-missions,
- to verify whether the relevant EU requirements in relation to infrastructure, equipment, hygiene, staffing and documentation are correctly applied at the approved BIPs.

The audit **scope** covered the import/transit control system at central and local level including various categories of entry points, and the general elements of the systems put in place to prevent and detect illegal imports to give effect to EU rules on imports of POAO and live animals including transit controls and supervision of non-EU-complying consignments.

In terms of the **criteria** applied, the assessment was undertaken against the requirements set out in Council Directives 97/78/EC, 91/496/EEC, and the relevant implementing Regulations and Decisions, Commission Regulation (EC) No 206/2009, Regulation (EC) No 998/2003 of the European Parliament and of the Council, and Regulation (EC) No 882/2004 of the European Parliament and of the Council.

In pursuit of these objectives, the following were visited/meetings were held with:

Competent authorities		Comments
Authority	Central/ Local	Opening and closing meetings, meetings in course of visits to BIPs
Customs	Central/ Local	Opening and closing meeting and on-the-spot visits
Entry points	10	6 BIPs, 2 postal entry points, 2 main passenger and non-commercial pet

		animal entry points
Customs warehouse	2	Ship supplier authorised under Art. 13 of Directive 97/78/EC, cold store approved as free warehouse by customs
Caterer	1	Supplying aircraft travelling internationally

### 3 LEGAL BASIS FOR THE MISSION

The audit was carried out under the general provisions of Community legislation and in particular under the requirements of Art. 2 of Commission Decision 2001/881/EC, Art. 6 of Council Directive 2002/99/EC, Art. 19 of Directive 91/496/EEC and Art. 45 of Regulation (EC) No 882/2004.

Legal acts quoted in this report are provided in Annex 1 and refer, where applicable, to the last amended version.

### 4 BACKGROUND

The last missions concerning import controls were in April 2005. The results of which are described in DG(SANCO)/7647/2005-MR Final (hereafter: report 7647/2005) and DG(SANCO)/7648/2005-MR Final (hereafter: report 7648/2005), both available on the Internet at:

[http://ec.europa.eu/food/fvo/ir\\_search\\_en.cfm](http://ec.europa.eu/food/fvo/ir_search_en.cfm)

In response to report 7647/2005, the CCA provided an action plan which was judged to provide an acceptable response to the recommendations made. However, regarding access to relevant information contained in the customs electronic system and transposition of Directive 97/78/EC with respect to POAO intended for human consumption, the actions indicated were incomplete.

The details of BIPs visited are given in the table below:

Location	Type	Approval as in Decision 2001/881/EC	Last visit	Last report	Consignments in 2008	Transit exit
Brussel-Zaventem	Airport	HC-T(2), NHC(2), U, E, O (IC FC2)	04/2005	7647/2005	4606	0
Antwerpen	Port	HC, NHC	04/2005	7647/2005	15983	1304
Oostende	Airport	HC(2), E	04/2005	7647/2005	2248	0
Zeebrugge	Port	HC(2), NHC(2)	04/2005	7647/2005	5718	0
Gent	Port	HC-NT(6), NHC-NT(6)	09/2000	1261/2000	113	0

Liège	Airport	HC, NHC-NT(2), NHC-T(FR) U, E, O	04/2005	7647/2005	1731	0

## 5 FINDINGS AND CONCLUSIONS

### 5.1 COMPETENT AUTHORITY (CA) PERFORMANCE

#### 5.1.1 Management structure and organisation of CCA/CA

#### Findings

Management structure and organisation of the FASFC are detailed in the country profile for Belgium DG(SANCO)/7712/2008-CP Final available on the internet at:

[http://ec.europa.eu/food/fvo/country\\_profiles\\_en.cfm](http://ec.europa.eu/food/fvo/country_profiles_en.cfm)

- The FASFC with its four Directorate Generals is the CCA for the import/transit control system and BIPs.
- With Royal Decree of 27/12/2007<sup>1</sup> it has been established that the FASFC is under the competence of the Minister for Agriculture.
- Within the two Belgian Regions, at provincial level, there are - under the hierarchical control of the Directorate General of Control of the FASFC - 11 Provincial Control Units (PCUs), responsible for BIPs located within their provincial area.
- The local Customs offices of the six regional Customs offices are under the hierarchical control of Customs Headquarters within the Ministry of Finance.

#### Conclusion

The organisation of the FASFC and Customs provides for a management structure to implement import/transit control requirements.

#### 5.1.2 Allocation of competencies among CAs

#### Legal Requirements

Art. 4.1 of Regulation (EC) No 882/2004 requires Member States (MS) to designate the competent authorities responsible for official controls.

#### Findings

- The responsible authorities for the import/transit control system in Belgium are the FASFC at central level, mainly with the Directorate General Control Policy and the Directorate General Control, and, at provincial level, the PCUs, including the seven listed BIPs.
- The PCUs have administrative responsibilities for the BIPs such as employment of BIP staff

<sup>1</sup> In their response to the draft report the Belgian CCA clarified that this Decree has been replaced by Royal Decree of 17 April 2008.

and logistics. The PCUs are also responsible for supervision of ship suppliers and caterers regarding the EU requirements of food hygiene.

- The Federal Public Service for Health, Food Chain Safety and Environment (FPS) under the Ministry of Health is responsible authority for animal welfare and the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) at central level.
- Customs are the responsible authorities for checks on passenger luggage as required by Regulation (EC) No 206/2009, and checks on movement of non-commercial pet animals as required by Regulation (EC) No 998/2003.
- The implementation of the requirements of Regulation (EC) No 1774/2002 with respect to collection of catering waste from internationally operating means of transport is the responsibility of the Regions.

## **Conclusion**

The competencies for official controls of the import/transit control system are allocated to responsible authorities.

### *5.1.3 Staff and training*

## **Legal Requirements**

Artt. 4 and 6 of Regulation (EC) No 882/2004 require competent authorities to ensure that they have sufficient number of suitable staff who received appropriate training, are kept up-to-date in their competencies, and have an aptitude for multidisciplinary co-operation. Resources and training requirements are also prescribed in the second indent of Annex II to Directive 97/78/EC and in point 2 of the Annex to Commission Decision 2001/812/EC.

## **Findings**

Official and contracted veterinarians are employed at the BIPs. Except for Liège, an official veterinarian is the Head of the BIP.

- Training for official BIP veterinarians is implemented by means of the “Technical Consultants Meetings” organised by the FASFC. Since 2008, four of such meetings took place. In these meetings, inter alia, training needs, such as new legislation or problems arisen, are determined.
- All public servants can participate in different one-week training sessions provided by the administration. If an exam at the end of this training has been passed successfully, the public servant is entitled for a higher salary for the next six years of employment.
- For contracted veterinarians, Royal Decree of 20 December 2004 requires training hours for at least 50 hours within three years and not less than 12 hours each year. Evidence was seen, that contracted veterinarians actively attended training provided by Universities or veterinary associations in order to fulfil this requirement. At one of the BIPs visited, the annual mandatory prolongation of the contracts of two veterinarian was refused by the responsible Head of the PCU due to lack of training.
- Since 2006, 11 BIP staff have participated in the BIP training “Better training for safer food”.
- On invitation of the FASFC, BIP staff was trained on 30 April and 12 May 2009 by the Head of the BIP Zaventem-Brussels on import/transit controls.
- A training for BIP staff about Customs procedures, planned for 2009, has been postponed to 2010.
- Despite the training provided, some of the shortcomings noted at the BIPs visited, indicate the need for additional training or instructions, e. g. no blood sampling of live animals,

importation of equidae from a country not listed for importation, wrong data input in TRACES, acceptance of copies of veterinary certificates instead of the original.

- In response to the findings and recommendations of report 7647/2005, training records are kept at the BIPs visited.
- In 2008, the Province Vlaams Brabant with the BIP Brussels-Zaventem has been accredited under ISO 9001 for the management (including training) of contracted veterinarians. This management provides for quarterly training and a yearly evaluation of the technical and administrative knowledge of the contracted veterinarians by the Head of the BIP. The latter is based on an evaluation check list, which is available for the public on the internet.
- In April and May 2007, the FASFC provided training to Customs at five main entry points with respect to their responsibilities for checks on passenger luggage and veterinary checks on pet animals and pet birds. However, not all customs staff responsible for these checks have been trained.
- With respect to checks on passenger luggage, the training provided to Customs was related to the requirements of Regulation (EC) No 745/2004. No training was provided with respect to the new requirements of Regulation (EC) No 206/2009.

## **Conclusion**

While training for BIP staff is provided centrally by FASFC, locally by the Head of the BIP to authorised BIP veterinarians or undertaken on own initiative by BIP staff, some of the shortcomings noted indicate the need for further training in specific areas.

Training for Customs was not adequately provided for the requirements of Regulation (EC) No 206/2009 especially in light of lack of update to relevant instructions described under 5.2.2, and the training provided for the requirements of Regulation (EC) 998/2003 has not been communicated to all Customs staff, although the responsibility for checks on passenger luggage and non-commercial pet animals is allocated to them via the Agreement between FASFC and Customs.

### *5.1.4 Control and verification procedures*

## **Legal Requirements**

Art. 4 of Regulation (EC) No 882/2004 requires MS to carry out internal audits, or have external audits carried out.

Art. 8 of Regulation (EC) No 882/2004 requires procedures in place to verify effectiveness of official controls and that effectiveness of corrective action is ensured.

Art. 1 of Directive 91/496 and Art. 1 of Directive 97/78/EC require that MS shall ensure that veterinary checks on live animals and products of animal origin from third countries are carried out in accordance with these Directives.

## **Findings**

- Within the FASFC, an independent Internal Audit Unit has been established. However, up to now, this Unit had not carried out audits of BIPs and also for 2009, no such audits are planned. The CCA stated, that the intention is to have all authorities audited by 2010.
- Supervision of BIPs to verify effectiveness of their official controls is the responsibility of the National Implementation and Co-ordination Unit (NICU) within the Directorate General Control. The national inspection programme of the FASFC provides for a yearly inspection of each BIP<sup>2</sup>. In 2009, the NICU had already inspected all BIPs.

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<sup>2</sup> In their response to the draft report the Belgian CCA clarified that the yearly inspection is carried out for 2 two or three BIPs and that each BIP is inspected once every two or three years.

- The NICU inspects BIPs in line with a detailed checklist which covers, inter alia, training of staff, documentation, identification and selection of consignments, procedures and facilities, as well as checks on passenger luggage and non-commercial pet animals. The scope of these inspections does not include the evaluation, if the veterinary decision on the introduced consignments is done correctly by BIP staff.
- The results of inspections are included in the report drafted by the NICU and most findings made during the FVO audit were also noted in these reports. Shortcomings, in relation to blood sampling of imported live animals as required in the Annex II to Commission Decision 97/794/EC were not identified in these reports.
- The NICU provides a copy of the report and the checklist to the Head of the BIP, the Head of the responsible PCU and the Directorates General Control and Control Policy of the FAFSC.
- A procedure to follow up shortcomings noted during an inspection has not been developed and as a consequence, shortcomings described by the NICU are not systematically corrected e.g. lack of technical equipment in live animal facilities as required in the Annex to Decision 2001/812/EC.
- There is no procedure established to verify the effectiveness of checks on passenger luggage and on non-commercial pet animals carried out by Customs. At the main entry point visited, the application of Regulation (EC) No 206/2009 regarding passenger luggage and of Regulation (EC) No 998/2003 with respect to movement of pet animals by the 150 responsible customs officials was never supervised or checked for correctness to date either by Customs hierarchy or by FASFC (see also point 5.5.2).

## **Conclusion**

Although an Audit Unit has been established as required by Art. 4 of Regulation (EC) No 882/2004 the import/transit control system and the listed BIPs have not been audited to date.

Verification of the effectiveness of official controls of BIPs is implemented. However, as not all areas are covered by the supervision carried out by the NICU, and, as there is no procedure to follow up shortcomings, verification is not fully complete and effectiveness of corrective action is not yet ensured.

Verification of the effectiveness of official controls of Customs regarding checks on passenger luggage and movement of pet animals is not sufficiently implemented.

### *5.1.5 Communication and co-operation between services*

## **Legal Requirements**

Close co-operation between the various services involved in import controls is specifically required by paragraph 5 (1) of the Annex to Decision 2001/812/EC and is necessary in order to ensure that Art. 3 of Directive 97/78/EC is being implemented properly, i.e. that all consignments are being presented for checking at the BIP. Co-operation and co-ordination is also essential for the exchange of relevant information between services and to ensure access to electronic systems in accordance with Artt. 6 and 7 of Regulation (EC) No 136/2004 and Artt. 5 and 6 of Commission Regulation (EC) No 282/2004.

## **Findings**

- Agreements are in place implementing arrangements of co-operation between the different authorities (FAFCS, FPS, Customs) and between the Federal Government and the Regions to carry out official controls within the import/transit control system.

- On March 2007, a Co-operation Protocol between the FASFC and Customs was issued to implement procedures for checks on passenger luggage and on pet animals accompanied by their owners, mutual training and exchange of information.
- Despite the Co-operation Protocol in place, BIP staff does not have access to relevant information available in the electronic systems of Customs (see 5.3.1) as provided for in Artt. 6 and 7 of Regulation (EC) No 136/2004 and Artt. 5 and 6 of Regulation (EC) No 282/2004.
- At BIP level, co-operation with local and regional Customs is functioning and evidence was seen for exchange of relevant information in writing and via meetings. However, a request of Customs at regional level to Customs Headquarters to re-establish access for the BIP to manifest data available to local Customs had not been acted upon.

## **Conclusion**

In general, co-ordination and co-operation between competent authorities is sufficiently established by means of Agreements between competent authorities. The system is weakened by lack of provision for an exchange of relevant information available in the electronic systems of other authorities would be easily accessible to BIP staff as provided for in Regulation (EC) No 136/2004 and Artt. 5 and 6 of Regulation (EC) No 282/2004.

## **5.2 LEGISLATIVE AND ADMINISTRATIVE PROVISIONS**

### **Legal Requirements**

Based on Art. 4 of Regulation (EC) No 882/2004 the MS shall ensure that the CCA adopt measures to guarantee application of EU legislation, and to ensure the impartiality, quality and consistency of official controls at all levels, including the import/transit control system.

Art. 8 of Regulation (EC) No 882/2004 of the European Parliament and of the Council requires documented procedures which contain information and instructions or a manual of procedures for personnel carrying out veterinary checks in order to allow correct and uniform implementation of the requirements. Several pieces of EU legislation require entry point lists or certain establishment lists linked to controls to be established (Art. 2 (3) of Commission Decision 2007/25/EC, Art. 13 of Regulation (EC) No 998/2003 of the European Parliament and of the Council, Artt. 8 (6) and 12 (4) of Directive 97/78/EC, Chapter XI of Annex VIII to Regulation (EC) No 1774/2002 of the European Parliament and of the Council).

#### *5.2.1 Transposition/effectiveness and speed of application of EU legislation*

### **Findings**

- In response to report 7647/2005, outstanding transposition of Directive 2002/99/EC has been finalised with Royal Decree of 13 May 2005 or will be completed with a new Royal Decree to be published by July 2009 (Art. 6 of Directive 97/78/EC regarding approval and suspension of BIP facilities for HC).
- Art. 12 (4) with respect to approval of customs warehouses and Art. 13 of Directive 97/78/EC regarding authorisation of ship suppliers are not yet transposed in national legislation, however, the FASFC has authorised the four existing ship suppliers to operate without any formal authorisation. (see also point 5.4.3.).

### **Conclusions**

Shortcomings previously identified regarding transposition of Art. 6 of Directive 97/78/EC were not

corrected at the time of the mission. Shortcomings identified regarding transposition of Artt. 12 (4) and 13 of Directive 97/78/EC had led to a lack of administrative measures to ensure that operators such as ship suppliers fulfil all their legal obligations with respect to this Directive.

### 5.2.2 Administrative provisions for implementation

#### Findings

- The FASFC drafts instructions to provide guidance for veterinary checks to BIP staff.
- For import controls on POAO, the FASFC drafted a Vademecum with hyperlinks to relevant legislation and official documents from the European Commission and other MS on its web pages, where these are accessible to the BIPs. However, the Vademecum contains some references to outdated EU legislation, e. g. Regulation (EC) No 745/2004 (repealed by Regulation (EC) No 206/2009), reduced check frequency for consignments originating from Switzerland (no veterinary checks are required) or errors in table 3.2.1.1. regarding the approval categories of the listed BIPs (Swiss Port HC-T(2) not HC(2), and Liege NHC-NT(2)).
- The FASFC has issued new instructions on 20 April 2009, e. g. for the procedure of channeling consignments and for the requirement that the BIP is informed of the arrival of a re-imported consignment by the PCU of destination. For other procedures (e. g. re-dispatch of rejected consignments, destruction of consignments), instructions are under development. At present, there are no plans to draft an instruction for supervision of ship suppliers authorised under Art. 13 of Directive 97/78/EC (see also point 5.4.3).
- There is no guidance document provided to the BIPs with respect to checks on live animals. Instead of this, FASFC has listed different links to guidance documents of other MS or Switzerland, which are available via the internet. However, the FVO team noted, that blood sampling of live animals required by Annex II of Decision 97/794/EC is not done in all BIPs.
- Instructions for Customs with respect to checks on passengers luggage required in Regulation (EC) No 745/2004 and checks on movement of non-commercial pet animals required in Regulation (EC) No 998/2003 are available on the Customs intranet. The Head of the BIP Zaventem also drafted and provided guidance documents to the customs officials who attended the training provided in 2007<sup>3</sup>. However, up to now, no updated instructions for checks on passenger luggage which reflect the requirements of Regulation (EC) No 206/2009 have been forwarded to Customs.
- Different lists of entry points for pet animals accompanied by travellers as required by Art. 13 of Regulation (EC) No 998/2003 and for pet birds as required by Art. 2 (3) of Decision 2007/25/EC are established. The list of entry points for pet animals is available on the Commission internet web page, the list of entry points for pet birds is not available.
- The lists of establishments (e. g. rendering plants and incinerators) approved under Regulation (EC) No 1774/2002 are in place and also available on the Commission internet web page.

Based on Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein, list (1999/C 356/02) catalogues all places of introduction and export designated by Member States for trade with third countries in accordance with Art. VIII (3) of the CITES.

- In response to report 7647/2005, the list of Belgian CITES entry points, as published on the

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<sup>3</sup> In their comments to the draft report the Belgian CCA clarified that training documents for Customs are drawn up by the FASFC, not only by the Head of BIP Zaventem.

Commission internet web page is consistent with the lists of approved BIPs and designated entry points for non-commercial pet animal and provides additional information to the public to also reflect the different approval categories of the BIPs.

### **Conclusions**

The administrative provisions implemented are generally sufficient for a functioning import/transit control system. However, the lack of provisions in some areas might impede the correct application of the veterinary procedures concerned, in particular for supervision of authorised ship suppliers (Art. 13 of Directive 97/78/EC) and for physical checks on live animals at BIPs (Annex to Decision 97/794/EC).

The lack of instruction/guidance for Customs with regard to the Regulation (EC) No 206/2009 leads to a risk of misapplication of the new requirements for checks on passenger luggage contained in this Regulation.

Sufficient clear information is provided to the public to ensure that relevant POAO or live animal can undergo required veterinary checks when presented at a listed CITES entry point.

#### *5.2.3 Implementation of TRACES*

### **Legal Requirements**

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

### **Findings**

- All consignments imported in Belgium are being entered into TRACES as required by Art. 3 (3) of Decision 2004/292/EC.
- The TRACES system is used by all importers to notify relevant consignments to the BIPs and to fill in part one of the CVED, as provided for in the system.
- A number of data entry errors – mainly related to wrong CN-codes - were noted which can be attributed to human error.

### **Conclusions**

The BIPs and importers are using the TRACES system as required by EU legislation or provided for in TRACES. However, errors noted for the data entry weakens the reliability of the information in TRACES.

#### *5.2.4 Databases and distribution of documentation/information*

### **Legal Requirements**

The registers and records to be maintained in BIPs are laid down in points 4 and 5 of the Annex to Decision 2001/812/EC, whereas point 4 specifies the alternative records to be kept in electronic or paper form at the BIP, such as registers in accordance with Commission Decisions 97/394/EC and 97/152/EC and a register on the reduced frequency of checks (Commission Decision 94/360/EC) as well as one of all samples taken for laboratory tests, if the data are not entered into TRACES.

Art. 5 (2) of Decision 2001/812/EC requires that inspection centres (ICs) shall keep a specific

record of the consignments examined at the centre.

Records of checks made and anomalies found must be kept, where arrangements for the disposal of waste POAO are under the responsibility of the BIP and records to demonstrate that regular checks have been made at free zones, free/customs warehouses or ship suppliers within, or closely associated with, the BIP area are also required.

The range of documents which must be available in BIPs is specified in point 3 of the Annex to Decision 2001/812/EC, whereas in ICs only documentation relevant for the checks in this centre are required (Art. 5 (3) of Decision 2001/812/EC). These documents (legislation, lists of approved establishments, etc.) are necessary to enable BIP staff to carry out import/transit controls correctly and in accordance with most recent EU legislation.

### **Findings**

- The BIPs use different national electronic systems (e. g. "Foodnet" for sampling) in addition to TRACES.
- Registers and records required by Decision 2001/812/EC, Decisions 97/394/EC and 97/152/EC are kept to follow up consignments with respect to information not yet available in the TRACES system.
- The documents required in point 3 of the Annex to Decision 2001/812/EC are available - either as paper files or electronically on the national intranet - at the BIPs for which this requirement was evaluated by the FVO team.

### **Conclusions**

No deficiencies were noted with respect to records and registers in addition to the TRACES system, and for documentation to fulfil the requirements of the Annex to Decision 2001/812/EC.

#### *5.2.5 Application of legal powers available to official services*

### **Legal Requirements**

Art. 54 of Regulation (EC) No 882/2004 requires a competent authority which identifies non-compliance to take appropriate action to ensure that the operator remedies the situation and Art. 55 states that MS shall lay down the rules on sanctions applicable to infringements of relevant Community provisions and shall take all measures necessary to ensure that they are implemented. The sanctions provided for must be effective, proportionate and dissuasive. Art. 6 of Regulation EC No 206/2009 states that the competent authority may impose costs or penalties for the person responsible for any personal consignment that is found to be in breach of the rules laid down in this Regulation.

### **Findings**

- The Royal Decrees of 31 December 1992, of 11 January 1993, of 28 September 2000 and of 22 February 2001 provide for appropriate actions if non-compliance with legal requirements had been detected.
- Sanctions are provided for in Art. 26 of the Royal Decrees of 31 December 1992 and in Art. 25 of the Royal Decrees of 28 September 2000.
- The operator can appeal against the veterinary decision (e.g. rejection) of the veterinarian of the BIP. The Head of the PCU is responsible to decide on the appeal.
- Within the FASFC, there are two Commissioners of Administrative Fines responsible to impose fines or forward cases, provided to them by the BIPs, to the Court Prosecutor .
- In 2007 and 2008, at the BIPs, 14 consignments had been destroyed and 10 fines – ranging

between 550 and 750 Euros - had been imposed by the Commissioners of Administrative Fines.

- Customs stated that, to date, no warnings for passengers had been issued as all prohibited POAO detected had been voluntarily abandoned by the passengers. At one parcel sorting office visited, Customs stated, that it is difficult to establish data of repeat offenders as name and address of the consignees can be changed very easily.

## **Conclusions**

Actions were taken in line with the EU-requirements for identified non-compliances of consignments presented at the BIPs.

Sanctions are provided for in national legislation and used as an additional dissuasive effect to enforce compliance with EU legislation.

## **5.3 CONTROLS OF CONSIGNMENTS AT ENTRY BIPs**

### *5.3.1 System to ensure presentation of consignments for veterinary checks*

#### **Legal Requirements**

Art. 4 (1) of Directive 91/496/EEC and Art. 3 (1) of Directive 97/78/EC require that MS shall ensure that no consignment from a third country is introduced into EU territory without having been subjected to the veterinary checks at a BIP. Additionally, Art. 7 of Directive 2002/99/EC stipulates that POAO intended for human consumption are introduced only if they comply with the EU requirements for animal health.

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

Art. 9 of Directive 97/78/EC specifies requirements for consignments in transshipment and Commission Decision 2000/25/EC clarifies the minimum and maximum time periods following arrival, which determine the type of veterinary checks to be carried out: either documentary or identity and physical depending on the time elapsed.

#### **Findings**

- For POAO, the Vademecum defines that relevant consignments have to be notified six hours for transport by air and 24 hours for transport by sea prior to arrival on the EU territory (Art. 2 (1) of Regulation (EC) No 136/2004). At the BIPs visited evidence was seen that notifications were received prior to arrival via the TRACES system. However, at one port BIP, the complete notification (the first page of the CVED in TRACES) is not provided prior to arrival of the consignment but is provided prior to presentation of the consignment at the BIP for veterinary checks.
- At the BIPs Zaventem, BIP staff receives notification of POAO and live animals which are transhipped to other MS. These notifications include the time of arrival and the time of departure of the consignments, and BIP staff carries out the veterinary checks as required by Art. 9 of Directive 97/78/EC and Decision 2000/25/EC.
- The Vademecum requires randomised checks of manifests by BIP staff. Most of the BIPs visited receive all manifests for arriving consignments from the commercial operators of

ports or airports, and there is a system in place to check these manifests except for one BIP, where only manifests of pre-selected vessels are cross checked.

- BIP staff do not have access to information available in electronic systems of Customs as provided for in Artt. 6 and 7 of Regulation (EC) No 136/2004 and Artt. 5 and 6 of Regulation (EC) No 282/2004. At one BIP, the access to an electronic system for manifests available to Customs, which previously was available to BIP staff, is no longer provided since 2008, due to a change in the programme.
- In response to report 7467/2005, the customs electronic system used to clear consignments for free release now identifies consignments which require veterinary checks, due to a link to the CN-codes of the positive list in Decision 2007/275/EC.

## **Conclusions**

Procedures are in place to ensure that the BIPs have an overview of arriving consignments as required Art. 2 (1) of Regulation (EC) No 136/2004 and Art. 1 (1) of Regulation (EC) No 282/2004 and of the minimum and maximum time periods of Decision 2000/25/EC for transhipped consignments.

However, as BIP staff do not have access to all information available in electronic systems of other authorities, provided for in Artt. 6 and 7 of Regulation (EC) No 136/2004 and Artt. 5 and 6 of Regulation (EC) No 282/2004, verification that consignments are being notified to the BIP is impaired.

In general, a system is implemented to ensure that relevant consignments are presented to the BIP for veterinary checks.

The customs electronic system contributes to ensure that all relevant consignments are subjected to veterinary checks as required under Art. 4 (1) of Directive 91/496/EEC and Art. 3 (1) of Directive 97/78/EC before they are cleared by Customs for free release.

### *5.3.2 Veterinary checks*

## **Legal Requirements**

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

## **Findings**

At the BIPs visited, a checklist for veterinary checks on imported POAO is used in which BIP staff filled in for each consignment, the result of checks carried out and the final decision taken.

- There was a uniformity and consistency in how veterinary checks were performed at the BIPs visited, and in most cases examined, procedures were correctly applied.
- The reduced check regime was implemented as required by Decision 94/360/EC and the reinforced check system as required in Art. 24 of Directive 97/78.

There were, however, some areas where the requirements were not fully applied as foreseen in legislation.

- Regarding documentary checks, it was accepted that the certifying third country had issued a letter of clarification instead of a replacement certificate (e. g. certificate from India with wrong seal number).
- In a number of cases, certificates for live horses or fishery products were accepted where unused options (animal health requirements) were not deleted or not filled in.

- With respect to physical checks on live animals, the blood sampling on 3 % of the consignments received as required in the Annex II to Decision 97/794/EC is not carried out in two of the three BIPs with an approval for live animals. The results of such sampling taken at one BIP, are not reported to the Commission as required in Art. 4 (7) of this Decision.

## **Conclusions**

Although veterinary checks in general are carried out as provided for in the national instructions and EU legislation, the remaining shortcomings identified in relation to veterinary checks may indicate a need for more supervision and guidance to ensure the correct implementation of all requirements of Directives 91/496/EEC and 97/78/EC and related Regulations and Decisions at the BIPs.

### *5.3.3 Monitoring plans for sampling imported consignments*

## **Legal Requirements**

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

## **Findings**

- The Directorate General Control Policy of the FASFC drafts the annual monitoring plan which includes also the monitoring sampling plan at the BIPs to ensure detection of residues, pathogenic organisms or other substances as required by Regulation (EC) No 136/2004.
- At the BIPs visited, sampling on imported consignments took place, based on this monitoring plan and the relevant instructions provided for sampling. The information available in the national electronic system “Foodnet”, provides BIP staff an overview of the samples already taken and and/or still required.

## **Conclusions**

No deficiencies were noted with respect to sampling of imported consignments of POAO at BIPs required in Annex II to Regulation (EC) No 136/2004.

### *5.3.4 Decision on the consignment*

## **Legal Requirements**

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

## **Findings**

- In most of the BIPs visited, the second part of the CVED was generally filled in correctly and the correct decision was taken.
- However, at one BIP, a consignment of fishery products from India was released for free circulation for which copies of veterinary certificates were accepted instead of the original<sup>4</sup>.

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<sup>4</sup> In their comments to the draft report the Belgian CCA clarified that the copy had been accepted instead of the

- At another BIP, a registered horse from United States was allowed for importation (Commission Decision 93/197/EEC) although only a veterinary certificate for temporary admission was issued (Commission Decision 92/260/EEC).
- At a further BIP, seven registered horses from Libya were wrongly allowed for import instead of temporary admission (Commission Decision 2004/211/EC) and for a rejected consignment, the rejection in box 35 was not indicated.
- Based on the new instruction of the FASFC for re-imported and for channeled consignments, the T5 customs document (Art. 8 of Directive 97/78/EC) is issued by Customs. However, one BIP did not received the required confirmation of arrival for consignments of raw pet food at the authorised establishment in France from the local authority (Art. 15) and no follow up was initiated with the Member State. Customs confirmed on request the arrival to BIP staff after 60 days.
- Rejected consignments destined for destruction are correctly sent to facilities approved under Regulation (EC) No 1774/2002 for category I or II and the BIP receives a confirmation of the destruction. For consignments destined for re-dispatch to the country of origin, the bill of lading with container number – and in most of the files evaluated also with the seal number – are received by BIP staff to confirm the exit.

Re-import of consignments has to be authorised by the FASFC and an import licence is issued. The BIP performs documentary and identity checks and the PCU at the place of destination the physical checks on such consignments.

The FVO team observed:

- For the files evaluated, the import licence had been issued and the required non-manipulation certificates from the CA of origin and a confirmation to receive the consignment from the CA of destinations were available.
- However, although channelled procedure was indicated on the CVEDs issued, this was not applied before May 2009. No confirmation of arrival had been received for any of the cases seen and no follow up measures were taken (Art. 15 of Directive 97/78/EC).

## Conclusions

Although, in general, decisions on consignments and follow up are carried out correctly, the remaining shortcomings identified in relation to decisions and follow up not being fully in line with legal requirements and/or instructions may indicate a need for more training and supervision to ensure the correct implementation of all requirements of Directive 97/78/EC and Decision 2004/211/EC.

### 5.3.5 *Animal welfare*

## Legal Requirements

Details of the checks at BIPs are laid down in Art. 21 of Regulation (EC) No 1/2005 whereas Art. 22 of the same Regulation stipulates that the CA shall ensure that special arrangements are made at the BIPs to give priority to the transport of animals and that if a consignment of animals has to be detained for more than two hours appropriate arrangements are made for the care of the animals and, where necessary, their feeding, watering and accommodation.

While the general requirement of Regulation (EC) No 1/2005 to avoid injury or undue suffering apply to live animals category "O", this Regulation does not provide any specific requirements as to how this should be achieved.

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original pending the arrival of the replacement certificate, in view of the fact that the original was inaccurate.

## Findings

- At three of the BIPs visited during this mission, live animals were imported all of them either registered equidae or other animals.
- With respect to specific national requirements/standards for animal welfare for "O" live animals, a draft procedure has been established by the BIP Brussel-Zaventem, including references to the IATA guidelines. This guidance has been agreed on and is available on the BIP intranet and will be used in the BIP Liège, when translation into French is finalised.

## Conclusions

Administrative provisions are provided to BIP staff which define specific requirements for a uniform implementation of animal welfare for live animals category "O" based on the IATA guidelines for these animals.

### 5.4 CONTROLS OF TRANSIT/NON-EU-COMPLYING CONSIGNMENTS

#### 5.4.1 *Monitoring of transit consignments by entry BIPs*

## Legal Requirements

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

The first indent of Art. 11 (2) (b) of Directive 97/78/EC provides for the possibility that documentary checks will be confined to the examination of the on-board manifests in case of consignments which are destined for transit but not unloaded from ships/aircraft.

## Findings

The CCA stated that instructions regarding consignments transiting or transhipped were under preparation but that due to the ongoing discussion in the Commission Working Groups they have decided to await the outcome and/or guidance from the Commission.

During the mission it was noted:

- The main port BIP receives information electronically on all consignments of POAO unloaded in the port, and this information includes origin, type of product, date of arrival, expected date of re-loading. According to the records, in 2008 around 11,000 transits were performed at the port as transhipments. The Head of the BIP explained that consignments not fulfilling animal health requirements were transhipped at the port from third country to third country. The FVO team checked as an example in 2008, meat originating from Brazil, and more that 600 consignment - out of which 330 were described as pork meat - were unloaded and reloaded the port.
- In the above mentioned BIP, identity and documentary checks were performed for consignments transhipped at the port only after 20 days from their arrival, based on original or copies of the health certificate. A CVED indicating "transit" was issued in those cases and confirmation of exit was done by the same BIP when consignments left the port.
- Live animal that are transhipped require a licence from the CCA. In one airport BIP, all

animals transhipped were subjected to veterinary checks and a CVED was issued. However, some of the animals (e.g. reptiles) did not have the required licence from the CCA. For pet animals staying only few hours, licences were also not issued. In some cases seen, the animals did not comply with EU requirements. This was indicated on the CVEDs and the animals were sent to destination.

- At one BIP, in 2008, eleven non-EU-complying consignments entered for storage in a customs warehouse. The entry BIP did not receive a confirmation of the arrival as required by Art. 2, 5th indent of Decision 2000/571/EC and the follow-up action was not initiated (Art. 11 (2) of Directive 97/78/EC).
- In two BIPs, horses entered the EU territory in transit to third countries. The entry BIPs did not receive a confirmation of exit from the exit BIPs in Poland and The Netherlands and took follow up action with customs. However, the deadline of 60 days was not respected and confirmation was not available at the BIPs for all consignments.
- In an airport BIP, transhipments of POAO were notified daily by handling companies. When they exceeded 12 hours, the companies introduced them into TRACES and a complete veterinary check was performed. The OV explained that animal health requirements were applied for POAO transhipped from third country to third country and an EU transit certificate was requested. The FVO team noted that only fish and fishery products were transhipped.

## **Conclusions**

There is no harmonised system in place to ensure a proper follow up of incoming transit consignments. The lack of confirmation of arrival to warehouses for non-EU conforming consignments and the lack of proper follow up increases the risk of those consignments not leaving the Community.

Regarding consignments from third countries being transhipped in the port to other third countries the system in place does not comply with the requirement of Art.9 of Directive 97/78/EC and Decision 2000/25. The BIP describes them in the TRACES system as transits but without insisting on the appropriate transit certificate.

### *5.4.2 Monitoring of transit consignments by exit BIPs*

## **Legal Requirements**

Art. 9 of Directive 91/496/EEC and Artt. 11 and 12 (8) of Directive 97/78/EC lay down specific requirements in relation to consignments in transit. These consignments must leave the EU via an approved BIP and additional requirements are specified in Decision 2000/208/EC.

## **Findings**

- Only one of the visited BIPs receives transit consignments for exit checks (1304 consignments in 2008) and TRACES messages are received before these consignments arrive.
- Consignments are not presented to the BIP staff. BIP staff confirm the exit based the information available in the operator's electronic system for containers. However, there are two operators in the port, and the BIP has access only to the database of one of them. The CA stated that this database allows the checks for 95% of the consignments.
- From June 2009, information available to the BIP includes the seal number of the containers. Before, the exits were confirmed based on the container number.

## **Conclusions**

The system in place ensures that relevant consignments are identified and that they leave the Community territory. However, the fact that veterinary checks required in Art. 3 of Decision 200/208/EC and Art. 11 (2) (e) of Directive 97/78/EC are not carried out by the exit BIP and confirmation is based on the operator's information considerably weakens the ability of the system to ensure that there was no manipulation of non-EU complying consignments during transit through the EU-territory.

#### 5.4.3 *Free zones, free and customs warehouses, and ship suppliers*

### **Legal Requirements**

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

### **Findings**

According to the information provided by the CCA, there are no free zones and no free warehouses or customs warehouses, approved under Art. 12 (4) of Directive 97/78/EC in Belgium.

Four establishments approved as cold stores by the PCU are also supplying ships with non-EU-complying POAO.

Customs informed the FVO team, that these have Customs approval as free warehouses and also as have two other cold stores in the same area.

The FVO team observed:

- The FASFC stated that, at present, the four cold stores which are supplying ships with non-EU-complying POAO, are listed as ship suppliers. However, as Art. 13 of Directive 97/78/EC is not transposed there is no system to authorise these establishments according to the provisions of this Directive.
- The ship supplier visited, has an approval by Customs as free warehouse and an approval/registration document, re-issued on 09.09.2008 by the PCU, which permits activities as a cold store for meat and fishery products based on Art. 10 of Royal Decree of 16 January 2006. The approval document seen did not include a reference to an activity as ship supplier trading with non-EU-complying POAO. However, the CA indicated that the owner signed a document indicating his agreement to only supply vessels.
- The ship supplier was inspected once a year by the PCU regarding general hygiene requirements and the activities related to non-EU-complying POAO was supervised by the BIP staff of Antwerp. The results of the inspections/supervision are not exchanged between the PCU and the BIP and the approval document was renewed by the PCU without knowledge of the results of the supervision done by BIP staff.
- BIP staff checks arrival of non-EU-complying consignment at least once a week and every four to six week they performed a supervision using a checklist (e. g stored POAO, register

and confirmation of arrival to destination). No shortcomings were noted for this by the FVO team.

- EU-complying and non-EU-complying POAO are stored in the same freezer and not separated as required in Art. 12 (4) and (5) and Art. 13 (1) of Directive 97/78/EC. No remarks for this point were made by the PCU during the official controls for hygiene or from the BIP.
- In the cold store, all individual boxes of non EU-complying POAO are correctly labelled with the CVED number as required by Art. 1 (5) of Decision 2000/571/EC.
- For outgoing consignments, the veterinary documents are issued at the BIP without checking the consignments.
- The ship supplier stated that a copy of the veterinary document endorsed by the captain of the vessel was not received for all deliveries, in which case the payment of the bill is used as proof of delivery of the goods.
- The T1 customs' procedure is applied for the transport of non-EU-complying POAO from the ship supplier to the vessel of destination as required by Art. 13 (2) (b) of Directive 97/78/EC. However, the consignments left the ship supplier in unsealed trucks, although Art. 12 (7) of Directive 97/78/EC and Art. 2 of Decision 2000/571/EC provides for customs supervision and sealing of the means of transport.
- The register kept by the operator ensures the traceability of non-EU-complying POAO as required in Art. 12 (4) (b) of Directive 97/78/EC and Art. 3 (2) of Decision 2000/571/EC.
- The operator received non-EU conforming consignments from warehouses in Germany and The Netherlands. The BIP in charge of the control did not receive TRACES messages for these consignments<sup>5</sup>.
- The operator supplied vessels in other MS (e.g. Spain). Neither the BIP nor the operator informed the CA of destination before dispatch of consignments as required by Art. 13 (4) of Directive 97/78/EC and Art. 5 (3) of Decision 2000/571/EC.

A cold store approved as a free warehouses by custom was visited.

- In this establishment, for all consignments of POAO selected by the FVO team, a CVED could be provided by the operator, confirming the EU-compliance of the POAO.
- No non-EU-complying consignments were detected in the storage rooms.

## Conclusions

National legislation and procedures in place do not provide for an authorisation of ship suppliers as required in Art. 13 (1) (a) of Directive 97/78/EC and Decision 2000/571/EC.

Although no structural deficiencies were noted for the facilities, the registration system of the operator and the labelling of the non-EU-complying POAO, the inaccuracy of the veterinary approval, the fact that approval is issued without all the available information and that no official control noted the inadequate storage of the non-EU-complying POAO indicate the lack of proper co-ordination and exchange of information between the different services of the PCU controlling the same operator.

The fact that dispatched consignments are not checked and the land means of transport used are not sealed before dispatch , and that CAs in other MS are not informed of the dispatches increases the risk that non-EU-complying POAO might be deviated to the internal market.

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<sup>5</sup> In their comments to the draft report the Belgian CCA clarified that the PCU receives TRACES reports for non-EU-complying consignments from Netherlands or Germany intended for ship suppliers.

## 5.5 IMPORT CONTROLS ON PERSONAL AND NON-COMMERCIAL TRAFFIC

### 5.5.1 *Personal baggage and mail*

#### **Legal Requirements**

Art. 3 of Regulation (EC) No 206/2009 requires a certain minimum of information to be displayed by the MS and Art. 4 requires the passenger transport operators to alert travellers to the prohibitions and limits applicable in the EU for POAO in personal baggage of travellers from third countries.

Art. 5 of Regulation (EC) No 206/2009 requires that at European Community points of entry, the CA and the authorities responsible for official controls shall, in co-operation with port and airport operators and with operators responsible for other points of entry, organise effective controls to detect the presence of illegal consignments of POAO. For the organisation of these controls it is necessary to define the means of detection and the tasks of the officials, backed up with knowledge of the requirements in order to ensure an effective prevention against illegal importation into the EU. Art. 6 requires if such consignments are found they must be seized and destroyed and the Member State may impose fines on the persons who have breached the rules.

Art. 7 of Regulation EC (No) 206/2009 requires that MS report annually to the Commission services statistics in relation to seizures made; this requires the MS to have reliable reporting arrangements and accurate statistics on all seizures as requested in Annex V to this Regulation.

Art. 6 of Regulation (EC) No 206/2009 requires that MS ensure that the national legislation applicable for the seizure and destruction of personal consignments identifies the natural or legal person liable for the costs of destruction of seized products.

#### **Findings**

The mission team visited two entry points. The following was noted:

- The checks on passenger luggage on third countries are targeted according to customs' experience. The number of luggage checked per flight depends on the staff available and the estimated risk. No veterinary information is provided to customs to be incorporated in their risk analysis.
- In both entry points visited, equipment to scan luggage was available. Sniffer dogs trained for foodstuffs are not available in the country.
- Customs Headquarters informed local Customs by e-mail about the new Regulation (EC) No 206/2009, in force since 1 May 2009. However, at the main entry point local Customs stated that as the administrative instruction CD 594.10 of 27.11.2005, implementing Regulation (EC) No 745/2004, has not yet been updated and no training has been provided for the new legislation so far, checks on passenger luggage were carried out according to the outdated legislation. At the other entry point, co-operation between the BIP and local customs is well implemented and a clear procedure to implement the new requirements is in place since May 2009.
- At the main entry point, no updated posters to inform passengers about the new requirements had been displayed, although the FASFC gave them to customs. Customs stated that the airport authority does not allow the display of posters free of charge and posters can be displayed in the Customs area only in A4 size which is not the size of the new posters provided.
- Seized or abandoned POAO were collected and treated as category I material under the requirements of Regulation (EC) No 1774/2002. Based on a local agreement between Customs and the airport authority, the airport authority pays for the costs of destruction and

Customs receives a confirmation of the destruction.

The FVO team visited one sorting postal office and one express delivery company for parcels. The following was noted:

- The FASFC and customs held several meetings during 2008 to discuss checks on parcels in the framework of Regulation (EC) No 206/2009 and carried out a visit to the postal office involved to be aware of the working procedures and documentation. The CCA stated that draft procedures and oral agreements are in place for the checks on parcels and that when finalised, these will be included as an Annex to the Co-operation Protocol of 13 March 2007.
- The postal office receives all parcels from third countries and it is approved as customs warehouse type D. The parcels are sent from all entry points in sealed trucks to the office, where 100% are registered, opened and checked by company's staff.
- The local Customs office sends staff to the premises for customs clearance.
- It was explained that when POAO or live animals are found, the local PCU is informed and an official veterinarian goes to check the parcel and give the assessment. There was no procedure in place for cases when the personal consignments cannot enter the country according to the official assessment. For live animals found, procedures were not yet agreed between the two CAs involved.

At the express parcel company, checks - based on risk analysis - are performed by customs officials.

- A procedure has been developed and implemented locally to send parcels containing POAO or live animals to the BIP which performs veterinary checks, decides on the consignment and issues a CVED.
- The company pays the veterinary fees and for the destruction of the consignments in case of rejection.

## **Conclusions**

There is a system in place to prevent the introduction of animal health risks through personal consignments. However, the fact that animal health information on third countries is not provided to customs for its inclusion in the risk assessment to control passenger luggage lowers the effectiveness of the controls.

The outdated instructions in place at national level, the lack of information to passengers and the unfinished procedures for parcels sent by post do not ensure that all requirements of Regulation (EC) No 206/2009 are complied with.

### *5.5.2 Non-commercial pet animals*

## **Legal Requirements**

Art. 13 of Regulation (EC) No 998/2003 stipulates that a list of points of entry, where the checks of non-commercial pet animals coming from third countries are carried out, be drawn up by each MS. Decision 2007/25/EC specifies a similar requirement for imports of pet birds.

Art. 11 of Regulation (EC) No 998/2003 requires each MS to inform the public about the conditions of entry and to provide adequate training to staff in order to ensure its effective implementation.

Art. 12 of Regulation (EC) No 998/2003 and Art. 2 of Decision 2007/25/EC require designation of competent authorities for checks on non-commercial pet animals and birds as well as certain checks to be carried out.

## **Findings**

There are three border crossing points designated as entry points for non-commercial pet animals (Art. 13 of Regulation (EC) No 998/2003), all of them listed BIPs with at least one approval category for live animals. Two of these three entry points are also designated as entry points for pet birds (Art. 2 (3) of Decision 2007/25/EC).

- At the designated entry points Customs drafts a yearly report about the implementation of the required checks on pet animals and these reports were provided to the FASFC by Customs Headquarters.
- In response to report 7647/2005, Customs is equipped with micro chip readers. However, the report for 2008 of the main entry point highlighted, that with respect to pet animals from third countries, the micro chip reader available does not recognise other standards of chips with which pet animals arrive, and that owners cannot provide suitable readers although required in Art. 14 of Regulation (EC) No 998/2003. The report also stated the difficulty to evaluate the pet passports and the animal health condition of the arriving animals. No measures have been taken to address the problems reported.
- At the entry point visited, the manager custom official met indicated that instructions about checks on pet animals are available on the intranet and on the web site. However, although requested, the ones from the intranet were not provided to the FVO team. The official also stated that no list of laboratories approved to perform rabies antibody titration are available to customs staff performing the controls, and was not aware of all requirements for pet animals arriving from third countries (only validity of rabies vaccination was indicated as a requirement).
- According to the information received, pet animals were never found non-compliant with the requirements of Regulation (EC) No 998/2003 in the main entry point. In case that happens, the instruction is to contact the BIP.
- The entry point visited is also listed as entry for pet birds. However, no information was available for customs officers about the requirements of Decision 2007/25/EC and how to perform the checks on pet birds.

## **Conclusions**

There is a system in place to check non-commercial pet animals, but no corrective actions have been taken so far with respect to the problems reported by Customs which weakens the identification of pet animals and the performance of official controls and it is not fully ensured that only pet animals complying with requirements of Regulation (EC) No 998/2003 or Decision 2007/25/EC enter EU-territory.

## **5.6 CONTROLS ON KITCHEN WASTE**

### **Legal Requirements**

Art. 16 of Directive 97/78/EC foresees the destruction of kitchen waste unloaded from means of transport operating internationally and point 5 (3) of the Annex to Decision 2001/812/EC and Regulation (EC) No 1774/2002 lay down further provisions regarding the arrangements for the disposal of this waste. Kitchen waste may also be disposed off in landfill sites approved under the requirements laid down in Council Directive 1999/31/EC.

### **Findings**

- At the caterer visited, all catering waste collected from internationally operating means of transport is treated as category I material and send to an approved incinerator.
- The catering waste goes directly from the trolleys via a conveyor to the container, which is

labelled as required in Chapter I, point 2 of Annex II to Regulation (EC) No 1774/2002 with “category I material, for disposal only”.

- Documents are issued which accompany the kitchen waste during transport to the incinerator, which include the information required in Chapter III of the Annex II to Regulation (EC) No 1774/2002. In addition, the caterer has an electronic record sheet containing information about the outgoing kitchen waste containers.
- Based on an agreement between the caterer and the contracted transport company, the transport company is responsible to clean and disinfect the container after each use. This is checked by the caterer when an empty container is received.
- The competent regional authority (Environmental Inspectorate Division) inspected the caterer with respect to the requirements of Regulation (EC) No 1774/2002 on 06.11.2008 and 19.05.2009. Internal reports had been drafted for both inspections. With respect to the last inspection, the CA has sent a letter on 19.06.2009 informing the establishment about the shortcomings noted and the establishment has started to rectify these.
- At a port visited, evidence was provided, that galley waste from ships is collected, disposed and destroyed in an incinerator in line with the requirements of Regulation (EC) No 1774/2002.
- BIPs do not have responsibilities regarding the collection and destruction of catering waste but are aware of the procedures applied.

## **Conclusions**

In response to report 7647/2005, measures have been undertaken to fully implement the requirements of Regulation (EC) No 1774/2002, and at the caterer and port visited, there is a system in place to collect, dispose and destroy kitchen waste from means of transport operating internationally as category I material in accordance with the provisions of Regulation (EC) No 1774/2002.

## **5.7 INDIVIDUAL BIPs: FACILITIES, EQUIPMENT AND HYGIENE**

### *5.7.1 Approval/withdrawal procedures for BIPs*

## **Legal Requirements**

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

## **Findings**

- The procedure for approval and withdrawal of approval of BIPs listed for NHC products, semen and embryos is laid down in Royal Decree of 11 January 1993, amended 29 August 1997.
- For the procedure for approval and withdrawal of approval of BIPs listed for live animals and HC products, a new Royal Decree has been drafted and will be published in June and become applicable in July 2009<sup>6</sup>.

## **Conclusions**

According to the information provided by the FASFC, the system to withdraw nationally the approval of BIPs will be soon fully implemented.

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<sup>6</sup> In their comments to the draft report the Belgian CCA clarified that the new Royal Decree will become applicable at the beginning of 2010.

## 5.7.2 BIP Facilities

### Findings:

#### **Brussel-Zaventem airport:**

- **IC Flight Care** : The facilities comply with the requirements of Directive 97/78/EC and Decision 2001/812/EC after rectification of minor shortcomings noted.
- **IC Flight Care 2** :

NHC: The facilities do not fully comply with the requirements of Directive 97/78/EC and Decision 2001/812/EC as there is no separate storage room for consignments at ambient temperature, but an area, separated by a fence, within the inspection room.

Live animals: The facilities comply with the requirements of Directive 91/496/EEC after rectification of minor shortcoming noted for technical equipment.

- **IC WFS** : BIP facilities comply with the requirements of Directive 97/78/EC and Decision 2001/812/EC subject to rectification of minor shortcomings noted.

#### **Oostende airport:**

- The facilities of the ICs - although they provide for the necessary rooms - were either not adequately used or not sufficiently maintained, to ensure the performance of veterinary checks under hygienic conditions required in Decision 2001/812/EC with respect to the approval categories listed in Decision 2001/812/EC. Before the closing meeting, evidence of immediate cleaning undertaken was provided by the FASFC.

#### **Zeebrugge port:**

- New facilities are under construction which are planned to replace from 1 September 2009 on, the two ICs presently in use.

#### **Antwerp port:**

- New facilities are under construction which fulfil the requirements of Decision 2001/812/EC for HC and NHC.
- The IC Kaai 650 did not have rooms or areas for storage of HC and NHC NT-products. Containers not linked to the unloading area were available for this purpose.
- The IC Kallo comply with the requirements of Decision 2001/812/EC for HC and NHC.

#### **Gent port:**

- The BIP is listed for fish oil only and the fish oil is received in bulk. The storage of consignments which must be detained will be in the commercial tanks of the operator and BIP has no own storage facilities. No procedure for the detention in the commercial tanks is available.

#### **Liège airport:**

- BIP facilities comply with the requirements of Directive 97/78/EC and Decision 2001/812/EC; however, the flow of staff is not suitable with respect to NHC facilities.

The detailed findings for each BIP visited are in Annex 2.

### Conclusions

Although the BIPs visited – except for the ICs in Zeebrugge - in general comply with the structural requirements for their approval, the arrangements in place at the IC Flight Care 2 to provide for the

required storage rooms, and the major shortcomings noted for the maintenance and hygiene in the BIP Oostende airport, are not in compliance with all requirements of Directives 91/496/EC and 97/78/EC and Decision 2001/812/EC.

### 5.7.3 Ancillary Facilities for BIPs

#### Legal Requirements

In order to correctly perform veterinary checks, the BIPs must have the services of a specialised laboratory and the services of an establishment qualified to carry out necessary treatment of consignments (Annex A to Directive 91/496/EEC and Annex II to Directive 97/78/EC), if necessary the services of an undertaking in the immediate vicinity which has the facilities and equipment to house, feed, water, treat and, if necessary, slaughter the animals (Annex A to Directive 91/496/EC) and an approved quarantine facility for imported birds other than poultry (Art. 6 of Commission Regulation (EC) No 318/2007) and for live aqua culture animals (Decision 2008/946/EC).

#### Findings

- Approved laboratory facilities were available for the BIPs visited.
- There are quarantine facilities approved in accordance with the provisions of Regulation (EC) No 318/2007 (birds other than poultry).
- There are no quarantine facilities approved in accordance with the provisions of Decision 2008/946/EC (aquaculture animals). The BIPs had not been informed that consignments of such animals intended for quarantine in the Community may not be accepted unless destined to an approved quarantine centre in another MS.

#### Conclusions

The necessary ancillary facilities are available to the BIPs visited. However, the lack of nationally approved quarantine facility in accordance with the provisions of Decision 2008/946/EC may hamper the adequate implementation of Art. 8, 9 and 10 of that Decision, if the BIPs are not informed that relevant animals may not be accepted unless destined to an approved quarantine centre in another MS.

## 6 OVERALL CONCLUSIONS

Since the last mission in 2005, the import/transit control system in place has improved relative to previous situation regarding notification of consignments prior to arrival including consignments of POAO destined for third countries and transhipped in an EU port, cross checks carried out between manifests and notifications, collection and disposal of kitchen waste from internationally operating means of transport, flagging of CN-codes which requires veterinary checks in the Customs electronic clearance system and construction of new BIP facilities at Zeebrugge port BIP.

The import/transit control system is weakened by the fact, that no procedures are in place, to follow up the deficiencies noted by the central Control Unit which regularly inspects the BIPs. To date no internal or external audits have been carried out at the BIPs.

Although there is generally good co-operation between Customs and BIPs there are no provisions for an easy exchange of information available in the electronic systems makes information exchange between the services more difficult.

At Antwerp, the BIP does not enforce animal health requirements for consignments transhipped directly to third countries, regardless of how long they stay at the port. Notification is received and

identity and documentary checks are performed for consignments remaining longer than 20 days. In 2008, according to the records of the BIP, more than 300 consignment of pork meat from Brazil had been transhipped to a third country. The CCA await the outcome of the ongoing discussion in the Commission Working Groups, before they will issue detailed instructions on this issue.

Although in general, veterinary checks and veterinary decision at the BIPs are done correctly, shortcomings noted in certain areas indicate a need for more detailed instructions and further training.

Supervision of ship suppliers trading non-EU-complying POAO is weakened due to outstanding transposition of Artt. 12 (4) and 13 of Directive 97/78/EC, detailed instructions and insufficient co-operation between different services responsible for supervision.

At the main passenger entry point, the new requirement of Regulation (EC) No 206/2009 regarding checks on passenger luggage are not yet implemented by local Customs, as no instructions and/or training have been provided to them. At the same entry point, non-commercial pet animals were checked but the system did not fully ensure that only pet animals complying with EU requirements enter the Community.

Immediate action was requested to the CCA for the BIP Oostende airport as the bad maintenance of the facilities did not allow adequate veterinary checks. Evidence was received on actions taken to rectify the situation.

## **7 CLOSING MEETING**

A closing meeting was held on 3 July 2009 with representatives from the FASFC and Customs. At this meeting, the main findings and the preliminary conclusions of the mission were presented by the FVO team.

The FASFC indicated that they generally agreed with the conclusions presented and asked for detailed recommendations in order to provide an appropriate action plan to address the identified shortcomings.

Customs stated that they took note in particular for the shortcomings presented regarding the implementation of the Regulation (EC) No 206/2009.

## **8 RECOMMENDATIONS**

The Belgian competent authorities are requested to provide, within one month of receipt of the report, a response including an action plan setting out the actions planned/undertaken to satisfactorily address the following recommendations, along with a timetable for completion of these actions, within the deadlines indicated in Art. 6 of Decision 2001/812/EC (for recommendations referring to BIP facilities (18. 19), 6 months of the receipt of the translated report; for all other recommendations, 3 months of the receipt of the translated report).

<b>N°.</b>	<b>Recommendation</b>
1.	To ensure that sufficient training is provided for all BIP staff in the specific areas where shortcomings had been noted such as physical checks on live animals (Annex to Decision 97/794/EC) or supervision of ship suppliers (Artt. 12 and 13 of Directive

N°.	Recommendation
	97/78/EC and Decision 2001/571/EC).
2.	To ensure that sufficient training is provided for all customs staff for the requirements of Regulation (EC) No 206/2009 and Regulation (EC) 998/2003 in order to fully implement the EU requirement for checks on passenger luggage and non-commercial pet animals.
3.	To ensure that the import/transit control system and the listed BIPs are included in the programme of audits foreseen under Art. 4 of Regulation (EC) No 882/2004.
4.	To complete the scope of supervision undertaken with regard to official controls of BIPs and of Customs, and to establish a procedure to follow up shortcomings noted for the effectiveness of these controls, in order to fully complete verification of official controls and to ensure effectiveness of corrective actions as required by Art. 8 of Regulation (EC) No 882/2004.
5.	To further strengthen the existing co-operation with respect to arrangements for an exchange of relevant information available in the electronic systems of other authorities as provided for in Regulation (EC) No 136/2004 and Artt. 5 and 6 of Regulation (EC) No 282/2004.
6.	To complete transposition of Artt. 12 (4) and 13 of Directive 97/78/EC with regard to approval of customs warehouses and authorisation of ship supplier in order to give effectiveness to administrative measures implemented to ensure that operators fulfil all their legal obligations with respect to this Directive.
7.	To provide or update detailed instructions for the areas which at present are not specifically addressed or updated in order to ensure the correct application of the all veterinary procedures of the import/transit control system, in particular for supervision of authorised ship suppliers (Art. 13 of Directive 97/78/EC), for physical checks on live animals at BIPs (Annex to Decision 97/794/EC) and for the new requirements for checks on passenger luggage (Regulation (EC) No 206/2009).
8.	To further improve the input of information into TRACES, required by Decision 2004/292/EC, in order to avoid confusing statistics in TRACES.
9.	To further improve the system in place to follow up of incoming transit consignments in order to ensure that confirmation regarding arrival to warehouses or regarding exit of consignments is received within the 30 days time limit required in Art. 2 of Decision 2000/571/EC and Art. 11 (2) (c) of Directive 97/78/EC.
10.	To ensure that documentary checks are carried out for consignments from third countries being transhipped to other third countries staying in a port more than seven

N°.	Recommendation
	and less than 20 days as required in Artt. 11 and 9 of Directive 97/78/EC.
11.	To carry out checks on transit consignments at the BIP of exit in order to ensure the implementation of the requirements of Art. 11 (2) (e) of Directive 97/78/EC and Art. 3 of Decision 2000/208 for all exiting consignments.
12.	To implement a procedure for authorisation of ship suppliers as required in Art. 13 (1) (a) of Directive 97/78/EC and Decision 2000/571/EC.
13.	To further improve and co-ordinate between the different services the supervision of ship suppliers in order to ensure, that all requirements of Art. 13 of Directive 97/78/EC and Decision 2000/571/EC are fulfilled, the relevant findings are followed up and the approval document issued for the establishment reflects the activities of the operator.
14.	To provide all relevant information of animal health risks to Customs in order to further improve their risk assessment for controls on passenger luggage.
15.	To update instructions in place, to provide information to passengers and to finalise procedures for parcels send by post, to ensure that all requirements of Regulation (EC) No 206/2009 are complied with.
16.	To ensure that commercial express parcel containing POAO or live animals are allowed for free circulation only if they are presented for veterinary checks to a BIP at the first place of entry into EU territory as required in Art. 4 (1) of Directive 91/496/EEC and Art. 3 (1) of Directive 97/78/EC.
17.	To improve the system in place to check non-commercial pet animals in particular with respect to the problems reported by Customs to fully ensure that only pet animals complying with requirements of Regulation (EC) No 998/2003 or Decision 2007/25/EC enter EU-territory.
18.	To rectify deficiencies noted for the provision of storage rooms at the IC Flight Care 2 at the BIP Brussels-Zaventem and for the maintenance of hygiene in the BIP Oostende airport to comply with the requirements of Directive 97/78/EC and Decision 2001/812/EC.
19.	To rectify the minor shortcoming noted for technical equipment and hygiene at the BIP Brussels-Zaventem and to implement the necessary procedures in the BIPs Gent and Liège to fully comply with the requirements of Directive 97/78/EC and Decision 2001/812/EC.
20.	To provide guidance to BIP staff for consignments of live animals which may need to

<b>N°.</b>	<b>Recommendation</b>
	be send to a quarantine facility under the requirements of Decision 2008/946/EC.

The competent authority's response to the recommendations can be found at:

[http://ec.europa.eu/food/fvo/ap/ap\\_be\\_2009-8075.pdf](http://ec.europa.eu/food/fvo/ap/ap_be_2009-8075.pdf)

## ANNEX 1 - LEGAL REFERENCES

Legal Reference	Official Journal	Title
Reg. 882/2004	OJ L 165, 30.4.2004, p. 1, Corrected and re-published in OJ L 191, 28.5.2004, p. 1	Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules
Dir. 97/78/EC	OJ L 24, 30.1.1998, p. 9-30	Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries
Dir. 91/496/EEC	OJ L 268, 24.9.1991, p. 56-68	Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organization of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC
Reg. 136/2004	OJ L 21, 28.1.2004, p. 11-23	Commission Regulation (EC) No 136/2004 of 22 January 2004 laying down procedures for veterinary checks at Community border inspection posts on products imported from third countries
Reg. 282/2004	OJ L 49, 19.2.2004, p. 11-24	Commission Regulation (EC) No 282/2004 of 18 February 2004 introducing a document for the declaration of, and veterinary checks on, animals from third countries entering the Community
Reg. 1774/2002	OJ L 273, 10.10.2002, p. 1-95	Regulation (EC) No 1774/2002 of the European Parliament and of the Council of 3 October 2002 laying down health rules concerning animal by-products not intended for human consumption
Dec. 2007/275/EC	OJ L 116, 4.5.2007, p. 9-33	2007/275/EC: Commission Decision of 17 April 2007 concerning lists of animals and products to be subject to controls at border inspection posts under Council Directives 91/496/EEC and 97/78/EC
Dec. 2004/292/EC	OJ L 94, 31.3.2004, p. 63-64	2004/292/EC: Commission Decision of 30 March 2004 on the introduction of the Traces system and

<b>Legal Reference</b>	<b>Official Journal</b>	<b>Title</b>
		amending Decision 92/486/EEC
Reg. 206/2009	OJ L 77, 24.3.2009, p. 1-19	Commission Regulation (EC) No 206/2009 of 5 March 2009 on the introduction into the Community of personal consignments of products of animal origin and amending Regulation (EC) No 136/2004
Reg. 998/2003	OJ L 146, 13.6.2003, p. 1-9	Regulation (EC) No 998/2003 of the European Parliament and of the Council of 26 May 2003 on the animal health requirements applicable to the non-commercial movement of pet animals and amending Council Directive 92/65/EEC
Dec. 2001/881/EC	OJ L 326, 11.12.2001, p. 44-62	2001/881/EC: Commission Decision 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
Dir. 2002/99/EC	OJ L 18, 23.1.2003, p. 11-20	Council Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption
Dec. 2001/812/EC	OJ L 306, 23.11.2001, p. 28-33	2001/812/EC: Commission Decision of 21 November 2001 laying down the requirements for the approval of border inspection posts responsible for veterinary checks on products introduced into the Community from third countries
Dec. 2007/25/EC	OJ L 8, 13.1.2007, p. 29-34	2007/25/EC: Commission Decision of 22 December 2006 as regards certain protection measures in relation to highly pathogenic avian influenza and movements of pet birds accompanying their owners into the Community
Reg. 338/97	OJ L 61, 3.3.1997, p. 1-69	Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein

<b>Legal Reference</b>	<b>Official Journal</b>	<b>Title</b>
Dec. 97/394/EC	OJ L 164, 21.6.1997, p. 42-43	97/394/EC: Commission Decision of 6 June 1997 establishing the minimum data required for the databases on animals and animal products brought into the Community
Dec. 97/152/EC	OJ L 59, 28.2.1997, p. 50-52	97/152/EC: Commission Decision of 10 February 1997 concerning the information to be entered in the computerized file of consignments of animals or animal products from third countries which are re-dispatched
Dec. 94/360/EC	OJ L 158, 25.6.1994, p. 41-45	94/360/EC: Commission Decision of 20 May 1994 on the reduced frequency of physical checks of consignments of certain products to be implemented from third countries, under Council Directive 90/675/EEC
Dec. 2000/25/EC	OJ L 9, 13.1.2000, p. 27-28	2000/25/EC: Commission Decision of 16 December 1999 establishing the detailed rules for the application of Article 9 of Council Directive 97/78/EC concerning the transshipment of products at a Border Inspection Post where the consignments are intended for eventual import into the European Community, and amending Commission Decision 93/14/EEC
Dec. 97/794/EC	OJ L 323, 26.11.1997, p. 31-36	97/794/EC: Commission Decision of 12 November 1997 laying down certain detailed rules for the application of Council Directive 91/496/EEC as regards veterinary checks on live animals to be imported from third countries
Dec. 2000/571/EC	OJ L 240, 23.9.2000, p. 14-18	2000/571/EC: Commission Decision of 8 September 2000 laying down the methods of veterinary checks for products from third countries destined for introduction into free zones, free warehouses, customs warehouses or operators supplying cross border means of sea transport
Reg. 1/2005	OJ L 3, 5.1.2005, p. 1-44	Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No 1255/97

<b>Legal Reference</b>	<b>Official Journal</b>	<b>Title</b>
Dec. 2000/208/EC	OJ L 64, 11.3.2000, p. 20-21	2000/208/EC: Commission Decision of 24 February 2000 establishing detailed rules for the application of Council Directive 97/78/EC concerning the transit of products of animal origin from one third country to another third country by road only across the European Community
Dir. 1999/31/EC	OJ L 182, 16.7.1999, p. 1-19	Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste
Reg. 318/2007	OJ L 84, 24.3.2007, p. 7-29	Commission Regulation (EC) No 318/2007 of 23 March 2007 laying down animal health conditions for imports of certain birds into the Community and the quarantine conditions thereof
Dec. 2008/946/EC	OJ L 337, 16.12.2008, p. 94-101	2008/946/EC: Commission Decision of 12 December 2008 implementing Council Directive 2006/88/EC as regards requirements for quarantine of aquaculture animals