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## **GENERAL GUIDANCE FOR CITES<sup>1</sup> ENTRY POINTS AND EU BORDER INSPECTION POSTS (BIPS) ON PROCEDURES APPLYING TO IMPORT /TRANSIT TO THE COMMUNITY OF LIVE ANIMALS AND THEIR PRODUCTS**

### **INTRODUCTION**

This document provides general guidance on procedures applying to import into and transit through the EU territory of live animals and products of animal origin pursuant to EU rules on (1) public and animal health and (2) trade in protected species. Those procedures are to be applied in a complementary manner and require co-operation between the relevant competent enforcement services of the Member States.

### **(1) EU PUBLIC AND ANIMAL HEALTH PROCEDURES FOR IMPORT/TRANSIT INTO THE EU OF LIVE ANIMALS AND PRODUCTS OF ANIMAL ORIGIN**

The main EU legislation on border import controls concerning public and animal health are Council Directives 91/496/EEC<sup>2</sup>, 97/78/EC<sup>3</sup>, and Regulation (EC) No 854/2004<sup>4</sup>. This legislation sets out the veterinary legislative requirements in order to import into or transit through the EU territory consignments of live animals and products of animal origin. There are a number of detailed provisions but the main requirements are as follows:

- **All live animals and products of animal origin (as defined in the Annex to Commission Decision 2007/275/EC<sup>5</sup>) must be presented at an approved and correctly designated Community Border Inspection Post (BIP) to undergo specific veterinary import controls prior to entry or transit of the EU. The latest list**

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<sup>1</sup> Convention on International Trade in Endangered Species of Wild Fauna and Flora

<sup>2</sup> Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC, OJ L 268, 24.9.1991, p. 56

<sup>3</sup> Council Directive 97/78/EC laying down principles governing the organisation of veterinary checks on products entering the Community from third countries, OJ L 24, 30.01.1998, p. 9

<sup>4</sup> Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption, OJ L 139, 30.4.2004, p. 206 – amended and corrected as in OJ L 226, 25.6.2004, p. 83.

<sup>5</sup> Commission Decision 2007/275/EC 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, OJ L 116, 4.5.2007, p. 9.

of BIPs is set out in Commission Decision 2009/821/EC<sup>6</sup> and can be viewed on the Commission website at:

[http://ec.europa.eu/food/animal/bips/approved\\_bips\\_en.htm](http://ec.europa.eu/food/animal/bips/approved_bips_en.htm)

Prior notification of the arrival of the products in the BIP **must** be given in accordance with national rules of the Member State in which the BIP is situated and of the animals in accordance with the rules in Article 3 (1) a of Directive 91/496/EEC.

- The consignments **must** be presented to the BIP accompanied by all the relevant health certification required in EU veterinary legislation
- Consignments **will only** be accepted if the animals or products are derived from approved countries, regions and establishments as appropriate and where an EU approved veterinary residues plan is in place for the specific product group to be exported.
- In certain cases, safeguard measures introducing additional import conditions or restrictions may apply.
- All consignments **must** undergo documentary and identity checks before being considered cleared for animal and public health purposes. **All consignments must be issued with a correctly completed Common Veterinary Entry Document (CVED)**<sup>7</sup>. Where and when appropriate the frequency of the physical check can be reduced.

In accordance with animal and public health legislation, consignments that do not follow the above procedures should **not** be allowed entry into the EU. More detailed guidance on import requirements can be viewed on the SANCO website at the address given above.

## **(2) IMPORT AND TRANSIT PROCEDURES – CITES BORDER CONTROLS**

The primary legislation regulating border import and transit controls in relation to trade in protected species is Council Regulation (EC) No. 338/97<sup>8</sup>. This is supplemented by an implementing Commission Regulation (EC) No. 865/2006 laying down the detailed rules as well as a Commission Regulation suspending certain imports into the Community. Together, these Regulations set out the specific procedures to be followed in order to import into the EU specimens of wild fauna and flora species listed in the annexes to Regulation (EC) No. 338/97<sup>9</sup> (including live animals of these species and their products), whether the purpose of the import is commercial or not. The purpose of this legislation is to ensure that trade will not have a negative impact on the conservation of the species. Customs authorities are in charge of controlling that this legislation is complied with, in

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<sup>6</sup> Commission Decision 2009/821/EC of 28 September 2009 drawing up a list of approved border inspection posts, laying down certain rules on the inspections carried out by Commission veterinary experts and laying down the veterinary units in Traces

<sup>7</sup> As provided for in 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, OJ L 21, 28.1.2004, p. 11 and in 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, OJ L 49, 19.2.2004, p. 11.

<sup>8</sup> Implementing the CITES Convention in the European Union

<sup>9</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32005R1332:EN:NOT>

accordance with Council Regulation (EEC) No 2913/92 establishing the Community Customs Code<sup>10</sup> (in particular articles 13 and 58).

The main requirements of this legislation are as follows:

- Imports of animals and products of animal origin of species listed in the annexes Regulation (EC) No. 338/97, can only take place at the points of introduction designated by the Member States for that purpose. A list of these places of introduction is available on the Commission website at: [http://ec.europa.eu/environment/cites/pdf/list\\_points\\_of\\_entry.pdf](http://ec.europa.eu/environment/cites/pdf/list_points_of_entry.pdf)
- The introduction into the EU territory of these animals and products is subject to the presentation at the border customs office at the point of introduction<sup>11</sup> of a import permit issued by a CITES Management authority of a Member State or an import notification<sup>12</sup>
- The goods can only be released for free circulation after the Customs office has checked the validity of the import permit and endorsed the document. The Custom office should forward the relevant documents to the Management authority of the Member State.
- Consignments should be subject to physical checks as appropriate, based *inter alia* on risk assessment (in the case of live animals the conditions for transport, including the IATA guidelines should be checked)
- Animals and products that arrive at point of introduction without the relevant import permit or documentation cannot be released for free circulation. In such cases, sanctions, including seizure and confiscation are foreseen
- Import suspensions can be established by the Commission for certain species from certain countries. In such cases, no import permit can be issued by the Management Authorities in the Member States
- Some derogations from the above-mentioned requirements are foreseen for personal and household effects; although in most cases export documents from the country of origin would nevertheless be required. These derogations are not working for live specimens such as pets. In addition, no documentation at all is required for small amounts of caviar (under 125 gr), crocodilian items (up to 4), queen conch shells (up to 3), dried sea horses (up to 4), and giant clams (up to 3)
- Specific rules apply in relation to the control at the border customs office of specimens of protected species which are in transit through the EU territory, pursuant to Article 7(2) of Council Regulation (EC) No. 338/97.

More detailed guidance on the detailed rules for trade in protected species is available at the following website: [http://ec.europa.eu/environment/cites/legis\\_refguide\\_en.htm](http://ec.europa.eu/environment/cites/legis_refguide_en.htm).

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<sup>10</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:1992R2913:20070101:EN:PDF>

<sup>11</sup> Where shipments are dispatched by the same mode of transport to another customs office, checks can be carried out at the latter

<sup>12</sup> In the case of transit through the Community such import documents are not required but relevant export documents can be required