



## GUIDANCE DOCUMENT

### **General guidance procedures for checks on live animals and products of animal origin arriving at EU points of entry which have full veterinary clearance for the EU market**

#### **Purpose**

The Commission's new Maritime Transport Space Strategy<sup>1</sup> recommends the need for specific guidance on the EU rules relating to the requirements for portal veterinary checks on live animals and their products arriving at EU ports from EU Border Inspection Posts (BIPs) where those goods had already received clearance for the EU market. This guidance was required to assist in facilitating trade by speeding up procedures for live animals and their products as described above.

This matter has its origins in the Commission's Maritime Transport Space Strategy. However it is relevant to all EU entry points in relation to the legal requirements of Council Directive 89/662/EEC<sup>2</sup> and 90/425/EEC<sup>3</sup>. It is most relevant to ports where movement of EU cleared animals and products can regularly travel on vessels moving within the EU, with a mix of EU cleared or non-EU cleared consignments originating from third countries. This guidance is required to ensure that there are no unnecessary delays in allowing consignments of live animals and products of animal origin, originating from third countries, to move around the EU market once they have undergone and cleared the required mandatory veterinary checks in accordance with EU

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<sup>1</sup> Communication and action plan with a view to establishing a European maritime transport space without barriers, COM(2009) 10 final of Brussels, 21.1.2009

<sup>2</sup> Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to completion of the internal market; OJ L 395, 30.12.1989, p. 13

<sup>3</sup> Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market; OJ L 224, 18.8.1990, p. 29

legislation (Council Directives 91/496/EEC<sup>4</sup> – live animals and 97/78/EC<sup>5</sup> – products of animal origin).

## **Introduction**

The Commission's Maritime Transport Space Strategy states the following: "Animal products and live animals of Community origin are subject to documentary checks when they are unloaded in ports and airports with a BIP and where they are transported by a maritime service which is not a regular and direct line between two Community ports. This is to address the risk of goods of third country origin being presented accidentally or fraudulently as goods of Community origin, exposing the Community to significant risks to public and animal health.

Through specific guidelines, the Commission will encourage more effective and faster clearance of animal and plant products in intra-Community maritime transport as described in Council Directive 89/662/EEC on veterinary checks and Council Directive 90/425/EEC on veterinary and zootechnical checks. Opportunities could be found for synergies in the checks, especially documentary checks, required before clearance is permitted at Community ports for such goods. Many stakeholders have identified overlaps in such checks leading to delays and higher costs in clearance. Similarly, there are indications that the best practices of some ports offer opportunities for more effective controls, without compromising safety. These best practices will be introduced in guidelines on the procedure for animals and their products carried by seaborne transport. The guidelines will clarify, *inter alia*, the procedures applying to animal products and live animals of Community origin if the vessel arrives in a port with a border inspection post, and the procedures for animal products and live animals of non-Community origin. They will also cover goods carried under a transit procedure, transhipped goods or goods which are directly imported. They will promote a common approach, clarifying the concept of regular services, and will encourage the use of electronic data transmission and more effective coordination with customs".

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<sup>4</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, 24.09.1991, p. 56

<sup>5</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

## Legislation

Article 6 of Council Directive 89/662/EEC states "Member States to ensure that, during the veterinary checks carried out at places where live animals and products of animal origin from a third country may be brought into the territories, defined in Annex 1, to Council Directive 90/675/EEC<sup>6, 7</sup> such as ports, airports and border inspection posts with third countries the following measures are taken:

- (a) a documentary check is made on products' origin
- (b) products originating in the community are subject to the rules on checks provided for in Article 5
- (c) products from third countries are subject to rules laid down in Directive 90/675/EEC."

Article 7 of Council Directive 90/425/EEC states similar requirements for live animals and products.

## Guidance to implement legislative provisions

All live animals and products of animal origin originating from third countries but which have undergone full veterinary clearance (verified by a common veterinary entry document – CVED) for the EU single market at an EU approved BIP and then move from the BIP of entry to another port in the EU do not require any systematic veterinary checks when entering a second port in the EU.

All vessels coming from an EU approved BIP with cargo consisting of live animals and/or products of animal origin which are part cleared for the EU single market and part requiring clearance at the arriving BIP will be subject to manifest checks to identify those that require a mandatory veterinary control. These documentary checks should be carried out as much as possible by electronic means and within the framework of a user-friendly single window as stated in Decision No 70/2008/EC<sup>8</sup>. This procedure may involve minor delays to cargo already cleared.

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<sup>6</sup> Council Directive 90/675/EEC of 10 December 1990 laying down the principles governing the organization of veterinary checks on products entering the Community from third countries, OJ L 373, 31.12.1990, p.1

<sup>7</sup> Since 1 July 1999 Directive 90/675/EEC has been repealed by Directive 97/78/EC.

<sup>8</sup> Decision No 70/2008/EC of the European Parliament and the Council of 15 January 2008 on a paperless environment for customs and trade, OJ L 23, 26.1.2008, p. 21

## **Best Practice**

No mandatory veterinary checks are required on live animals or products of animal origin of Community origin and those of third country origin which have full veterinary clearance for the EU market received in a BIP and which move on to secondary entry points to the EU.

Consignments of live animals and products of animal origin which have full veterinary clearance for the EU market arriving at secondary entry points in the EU do not require import notification from the BIP in the first entry point.

Competent authorities monitoring import consignments are not required to refer to the veterinary authorities consignments of live animals or products of animal origin arriving at secondary entry points which already have full veterinary clearance for the EU market from a BIP unless they suspect a risk to animal or public health.

Unit D3

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