



EUROPEAN COMMISSION
HEALTH AND CONSUMERS DIRECTORATE-GENERAL

Animal health and welfare
International questions (multilateral)

SANCO/10844/2011
08.04.2011

EN

WORKING DOCUMENT

**GENERAL GUIDANCE FOR CONSIGNMENTS OF
LIVE ANIMALS AND ANIMAL PRODUCTS FROM THIRD COUNTRIES
IN TRANSIT OR TRANSHIPMENT**

This document has been established for information purposes only. It has not been adopted or in any way approved by the European Commission.

The European Commission does not guarantee the accuracy of the information provided, nor does it accept responsibility for any use made thereof. Users should therefore take all necessary precautions before using this information, which they use entirely at their own risk.

PURPOSE OF THIS DOCUMENT

This document is mainly directed at competent authorities and more specifically at border inspection posts, and aims to give guidance on the implementation of the requirements governing the import and transit control system for live animals and animal products originating from third countries.

NOTE

This document is an evolving document and may be updated as necessary to take account of experiences and information from competent authorities and private operators in third countries, from importers and from the Commission's inspection service, the Food and Veterinary Office (FVO).

ABBREVIATIONS AND DEFINITIONS USED IN THE GUIDANCE DOCUMENT

BIP	Border Inspection Post as defined in Council Directives 91/496/EEC and 97/78/EC
CVED	Common Veterinary Entry Document for animal products 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
DG SANCO	Directorate General Health and Consumer
EEA	European Economic Area
EU	European Union
HC	Human consumption
LVU	Local Veterinary Unit
NHC	Not for human consumption
RASFF message	Messages used in the Rapid Alert System for Food and Feed of the European Commission
SLVU	Super Local Veterinary Unit
TRACES	TRAdE Control and Expert System introduced by Commission Decision 2004/292/EC

TABLE OF CONTENTS

1.	PURPOSE	1
2.	DEFINITIONS	1
3.	BACKGROUND	2
4.	ADVANCE NOTIFICATION, CERTIFICATION & NON-CONFORMING CONSIGNMENTS	3
4.1.	Advance notification of consignments	3
4.1.1.	Animal Products	3
4.1.2.	Live Animals	4
4.1.3.	General	4
4.2.	Certification of consignments.....	5
4.2.1.	General	5
4.2.2.	Replacement Certificates.....	5
4.3.	Splitting of non-conforming consignments in transit.....	6
5.	REQUIREMENTS FOR FREE ZONES, FREE/CUSTOMS WAREHOUSES/SHIP SUPPLIERS/SHIIPS	7
5.1.	General requirements.....	7
5.2.	Requirements for separation and storage of non-conforming consignments	7
5.3.	Requirements for communication	8
5.3.1.	Movement from the entry BIP to free zones, free/customs warehouses or ship suppliers/ships.....	8
5.3.2.	Movement from the free zones or free/customs warehouses to the exit BIP	9
5.3.3.	Movement from the free zones or free/customs warehouses to a ship supplier.....	9
5.3.4.	Movement from the free zones, free/customs warehouses or ship suppliers to a ship or to a specially approved warehouse (Article 13(2) of Directive 97/78/EC)	10
5.4.	Requirements for registration	10
6.	PROCEDURES AT EXIT BIPS	11
6.1.	General	11
6.2.	Irregularities	12
7.	TRADE WITH THIRD COUNTRIES.....	12
7.1.	Russian Memorandum.....	12

7.2.	Rejections by the third country authorities.....	13
7.3.	Derogations for consignments from Russia to and from Kaliningrad.....	13
8.	CONSIGNMENTS TO NATO BASES/US BASES	13
9.	ANIMAL PRODUCTS TRANSHIPPED AT PORTS OR AIRPORTS.....	14
9.1.	General	14
9.2.	Advance notifications for transhipped consignments	15
9.3.	Destination of transhipped consignments.....	16
9.3.1.	Consignments destined for the import in the Union/EEA in the second BIP (Article 9 of Directive 97/78/EC)	16
9.3.2.	Consignments destined for third countries (Article 11 (2)(b) of Directive 97/78/EC)	16
9.4.	Veterinary checks to be carried out on transhipped consignments	17
9.4.1.	Before the minimum time period for veterinary checks laid down in Article 2 and 3 of Decision 2011/215/EU has elapsed (12 hours at airports and 7 days at ports)	17
9.4.2.	After the minimum time period for veterinary checks laid down in Article 2 and 3 of Decision 2011/215/EU has elapsed (12 hours at airports and 7 days at ports)	18
9.4.3.	Extension of the minimum period in ports from 7 to 14 days for consignments being transhipped directly to a third country (Article 3 (2) of 2011/215/EU).....	19
9.4.4.	After the maximum time period for veterinary checks laid down in Article 2 (2) of Decision 2011/215/EU has elapsed (48 hours at airports and 20 days at ports)	19
10.	CONSIGNMENTS OF LIVE ANIMALS FOR TRANSIT OR BEING TRANSHIPPED	19
10.1.	Consignments of live animals in transit	19
10.2.	Transhipped consignments of live animals	20
10.2.1.	Consignments of live animals not unloaded in the BIP of arrival	20
10.2.2.	Consignments of live animals unloaded in the BIP of arrival and continuing their journey with a different vessel or aircraft	21
ANNEX	22

1. PURPOSE

The purpose of this guidance is to achieve a more harmonised approach in Member States with respect to the implementation of:

1. 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/EEC¹,
2. 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 countries²
3. 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 consumption³, and,
4. Regulation (EC) No 1069/2009 of the European Parliament and of the Council of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 (Animal by-products Regulation)⁴.

These concern consignments of animal products and live animals from third countries:

- in transit to another third country
- in storage in free/customs warehouses or ship suppliers and destined for eventual transit to another third country or ship supply
- transhipped in a first Union/EEA port/airport border inspection post (BIP) of arrival for later importation into the Union/EEA through a second port/airport BIP
- transhipped in the first Union/EEA port/airport BIP of arrival for transit to a third country.

2. DEFINITIONS

Import: The release of animal products for free circulation, or, the intention to release feed or food for free circulation within the meaning of Article 79 of Regulation (EEC) No 2913/92⁵ into Union/EEA territory - as referred to in Annex I to Regulation (EC) No 882/2004⁶; reference is also made to Article 2(h) of Directive 97/78/EC, Article 2(15) of Regulation (EC) No

¹ OJ L 268, 24.09.1991, p. 56

² OJ L 24, 30.01.1998, p. 9

³ OJ L 18, 23.01.2003, p. 11

⁴ OJ L 300, 14.11.2009, p. 1

⁵ Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code, OJ L 302, 19.10.1992, p. 1

⁶ 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, OJ L 165, 30.04.2004 and re-published in OJ L 191, 28.05.2004, p.1

882/2004, to the EEA-Agreement⁷ and to the Agreement between the European Community and the Swiss Confederation on trade in agricultural products⁸.

Non-conforming consignments: animal products that do not meet public health EU requirements. As they do not meet these requirements, they may not be imported into the Union/EEA or intended for the Union/EEA market. Non-conforming consignments are destined or intended for free zones, free/customs warehouses, ship suppliers or ships leaving the coastal waters of the Union/EEA territory; they may be in transit from one third country to another through the Union/EEA territory by road, rail or waterways or they may be transhipped from an EU port/airport to a third country.

Transit: the movement of non-conforming consignments or, the movement of live animals conforming to EU requirements across Union/EEA territory by road, rail, or waterway transport from one third country to another. The transit may be direct or indirect (involving a period of storage) as follows:

Direct transit: movement of above consignments across Union/EEA territory from the BIP of entry directly to the BIP of exit, or to a ship leaving the coastal waters of the Union/EEA territory.

Indirect transit: movement of above consignments from the BIP of entry to a free zone, free/customs warehouse/ship supplier for storage first and then onto the BIP of exit, or a ship supplier, or a ship, leaving the coastal waters of the Union/EEA territory.

Transshipment: the movement of a consignment from a third country from a vessel/aircraft in an Union/EEA port/airport served by an Union/EEA approved BIP to another vessel/aircraft in the same port/airport within the area of the same customs office responsible for import and export or within the same free zone for onward travel. Due to the numerous, different cases in which derogations for transshipments are applicable, in particular for live animals, these are further defined in Chapters 9 and 10.

3. BACKGROUND

Directives 91/496/EEC related to live animals and 97/78/EC related to animal products set out the veterinary procedures and requirements for commercial consignments of live animals and animal products. These procedures and requirements must be followed in order to import into or transit through the EU.

While consignments to be imported into the EU must meet both animal and public health requirements, there are no public health requirements for consignments of animal products in transit. Consignments of animal products in transit are required to only meet animal health requirements.

Directive 2002/99/EC, Commission Decisions 2005/92/EC⁹ and Regulation (EC) No 1069/2009 specify these animal health requirements that need to be fulfilled for

⁷ OJ No L 1, 3.1.1994, p. 3

⁸ OJ L 114, 30.04.2002, p. 132

consignments of animal products intended for human consumption (HC) and those that are not for human consumption (NHC). In both cases, they state that all consignments of animal products must fulfil animal health requirements, whether they are for import or transit.

In addition consignments destined to third countries have to come from a third country whose products are not specifically prohibited entry on to the territories listed in Annex I to Directive 97/78/EC. Currently no Commission Decision is in force concerning a Member State who decided to waive from this requirement for consignments transhipped from one aircraft/vessel to the other aircraft/vessel for the purpose of re-dispatch to a third country without further stop on the territories of the Union/EEA (provided for in Article 11 (1)(a) of Directive 97/78/EC – see also chapter 9.3.2.).

Live animals physically entering the territory of the EU must always fulfil EU animal and public health import requirements, whether for import or transit. In the absence of EU import requirements for certain species of live animals, these must comply with national rules as provided for in Council Directive 92/65/EC¹⁰.

All consignments of live animals and animal products introduced into the territory of the EU must be presented at an EU approved BIP to undergo veterinary checks unless there are specific exemptions, e.g. for personal imports, pet animals.

Whilst the guidance document mainly addresses consignments in transit and for transhipment, several chapters (e.g 4.1 and 4.2) are also applicable for consignments destined for importation into the EU.

4. ADVANCE NOTIFICATION, CERTIFICATION & NON-CONFORMING CONSIGNMENTS

4.1. Advance notification of consignments

4.1.1. Animal Products

According to Article 3(3) of Directive 97/78/EC, Member States shall ensure that persons responsible for the load forward the information requested in the first part of the Common Veterinary Entry Document (CVED) **in advance** to the BIP to which the consignments of animal products are to be submitted for veterinary checks.

Article 2 (1) of Regulation (EC) No 136/2004¹¹ clarifies that the CVED shall be used to notify the arrival of the consignments of animal products to the BIP **before** their physical arrival on Community territory.

⁹ Commission Decision 2005/92/EC of 2 February 2005 as regards animal health conditions, certification and transitional provisions concerning the introduction and storage period for consignments of certain products of animal origin in free zones, free warehouses and premises of operators supplying cross border means of sea transport in the Community, OJ L 31, 04.02.2005, p. 62

¹⁰ Council Directive 92/65/EEC of 13 July 1992 laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A (I) to Directive 90/425/EEC, OJ L 268, 14.9.1992, p. 54

¹¹ 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, 28.01.2004, p. 11

The exact timeframe for advance notification is not specified in EU legislation. It is recommended, however, that advance notification in ports should be provided at least on the previous working day before the arrival of the consignments, except for ferries where it is recommended that advance notification takes place just before arrival. Advance notification in airports should be provided four hours before the arrival of the plane for long haul flights and from take-off at the previous airport for short haul flights (as in Commission Regulation (EEC) No 2454/1993¹²). Advance notification for road and rail BIPs is twelve (12) hours before arrival.

Member States may decide, on the basis of local conditions, to require advance notification for specific BIPs at least on the previous working day.

Type of BIP	Time of notification in advance
Port	<ul style="list-style-type: none"> • All vessels: previous working day • Ferries: just before their arrival
Airport	<ul style="list-style-type: none"> • Long haul flights: four hours before arrival of the plane • Short haul flights: from take off at the previous airport
Road	12 hours before arrival
Rail	12 hours before arrival

Table 1: time periods for advance notification of product consignments to BIPs

4.1.2. Live Animals

According to Article 3 (1) of Directive 91/496/EEC, Member States shall ensure that importers give one working day's notice to the veterinary staff of the BIP where live animals are to be presented specifying the number, nature and estimated time of arrival of the animals.

Article 1 (1) of Regulation (EC) No 282/2004¹³ specifies further that the person responsible for the load shall give notice of the entry of any animal into the Community at least one working day before the expected arrival of the animal(s) on Community territory. Such notifications shall be made to the inspection staff of the BIP using the first part of the CVED.

4.1.3. General

In cases of non-compliance, e.g. delayed or lack of advance notification, it is up to Member States to decide the appropriate action to be taken as provided for in Article 54 and 55 of Regulation (EC) No 882/2004. The action taken should have as its aim the removal of repeated non-compliances and might vary from administrative measures to fines up to refusal of the consignment. These measures may be applied progressively

¹² Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code, OJ L 253, 11.10.1993, p. 1

¹³ 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

according to the severity of the shortcoming and the history of compliance of the person responsible for the load.

4.2. Certification of consignments

4.2.1. General

Article 7 (1) and 11 (2) (a) of Directives 97/78/EC and Article 7 of Directive 91/496/EEC require the original veterinary certificates or original veterinary documents to be presented in the BIP of arrival.

If the third country of origin provides the veterinary certificate in TRACES, the person responsible for the load may use this to clone the first part of the CVED. In that case a paper veterinary certificate stamped and signed by the official of the competent authority of the third country has to be provided to the BIP of arrival.

In cases where the destination address in the veterinary certificate is different from that in the CVED, customs documents or other accompanying papers should be checked to verify the destination address.

The original veterinary documentation, including the specific animal health certificate requested in EU legislation should travel onwards with the relevant consignment to the free/customs warehouses/ship supplier or to the third country together with the relevant CVED (Article 3 (4) of Regulation (EC) No 136/2004 and Article 3 (7) of Regulation (EC) No 282/2004). The original specific animal health certificate on entry to the EU should be the same as that used when exiting the EU and no change to it should be made during the transit of the consignment. The only exception to this being for live animals when animals are found to have died during the journey, when explanation has to be made to the difference in the number of animals indicated on the health certificate and in the CVED.

As inconsistencies may be identified during documentary and identity checks as provided for in Article 4 of Directive 97/78/EC and in Article 4 of Directive 91/496/EEC, in relation to the information contained in the veterinary certificates or documents, the following Chapter refers to replacement certificates.

4.2.2. Replacement Certificates

In the absence of EU legislation on this matter, guidance can be obtained from the texts of the international standard-setting body Codex Alimentarius. In the Guidelines for Design, Production, Issuance and Use of Generic Official Certificates (CAC/GL 38-2001¹⁴) issued by the Codex Alimentarius Commission¹⁵, replacement certificates are foreseen for certain administrative corrections or if the certificates were lost or damaged.

Replacement certificates must be clearly marked to indicate that they are replacing the original certificate. A replacement certificate should also reference the number of the original certificate that it supersedes and the date the original was signed. The original certificate should be cancelled and, where possible, returned to the issuing authority.

¹⁴ Formerly *Guidelines for Generic Official Certificate Formats and the Production and Issuance of Certificates*. Adopted 2001. Revisions 2005, 2007.

¹⁵ Further information under: http://www.codexalimentarius.net/web/index_en.jsp#

Replacement certification should not be regarded as a normal practice but only for administrative errors, which are obvious (e.g. mismatch in container number, spelling errors in seal numbers, addresses, product description or other information) and in cases where the change would not reflect differently to the consignment itself, such as the number of boxes, the weight of the consignment and particularly issues such as the establishment of origin. In cases of consignments for which there are different container and seal numbers indicated in the original certificates than there are in reality, the certification did not take place in accordance with the general certification rules laid down in Council Directives 96/93/EC¹⁶ and 2002/99/EC.

If replacement certification is sought, the requirements for signing certificates, in particular that the signatory was in control and witnessed the consignment attested to on the original certificate should always borne in mind – this refers to the principles for certification as laid down in particular in Article 3 of Directive 96/93/EC.

The relevant consignment needs to be detained by the BIP until the replacement certificate is received and the veterinary checks can be carried out. The whole process should be documented at the BIP (e.g. original certificate, communication with the competent authority of the third country of origin, final certificate).

4.3. Splitting of non-conforming consignments in transit

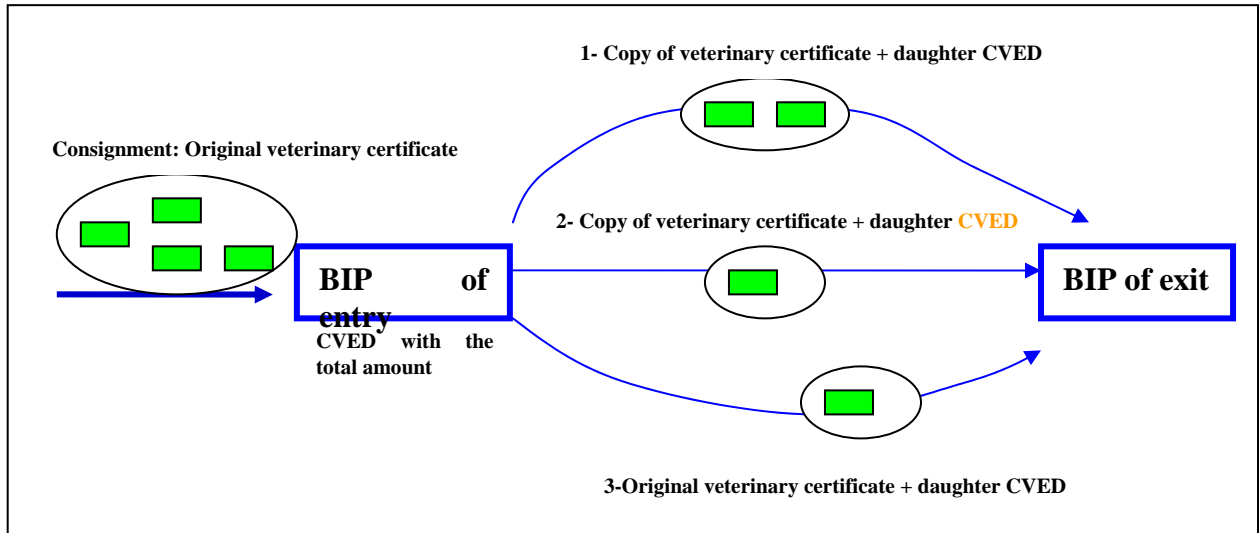
According to Article 11 (2 c) 2nd indent of Directive 97/78/EC, consignments for direct transit to third countries shall be transported, in vehicles or containers sealed by the authorities, without being unloaded or split after leaving the BIP of arrival.

In order to comply with this requirement, multiple container consignments under one veterinary certificate must be of the same origin (third country and region). They must be conveyed by the same transport means to the BIP of entry and must travel to the same final destination as a single unit without being split.

If, however, consignments need to be/are split in the BIP of arrival, copies of the veterinary certificate must be provided for each part consignment reflecting the new, smaller amount. Each copy must be authenticated by the competent veterinary authority and for ease of reference, the number of the corresponding daughter CVED should be added. The daughter CVEDs issued should follow each part consignment together with the authenticated copied veterinary certificate to the exit BIP. The original veterinary certificate with the original, or now remaining, amount should follow the last part consignment. Appropriate records have to be kept to ensure that no amount higher than what was originally on the mother CVED leaves the BIP of arrival.

Similar provisions apply if the consignment is in indirect transit ie. stored in a free/customs warehouse in the interim.

¹⁶ Council Directive 96/93/EC of 17 December 1996 on the certification of animals and animal products, OJ L 13, 16.1.1997, p. 28



Schema 1: overview on splitting non-conforming consignments in transit

In cases where part of a multiple container consignment is rejected in the BIP of arrival, the whole consignment has to be rejected as the original health certificate has to be invalidated and returned to the third country of origin. If, however, in one container boxes are damaged during transport, the consignment could be split separating out the damaged part. A mother CVED should be issued for the whole amount without completion of the second part of the CVED, while daughter CVEDs have to be issued for the part amounts. While for both part consignments, replacement certificates may be requested, or it should be clarified with the third country of destination if the original certificate will be accepted despite the fact that the number of boxes and the weight does not match any more with the consignment.

5. REQUIREMENTS FOR FREE ZONES, FREE/CUSTOMS WAREHOUSES/SHIP SUPPLIERS/SHIPS

5.1. General requirements

Article 12 (4)(b) and Article 13 (1)(a) of Directive 97/78/EC requires free zones, free/customs warehouses to be approved and ship suppliers to be authorised for the storage of non-conforming consignments. Both Articles and Commission Decision 2000/571/EC¹⁷ detail the requirements to be fulfilled for the approval and the authorisation of these premises. In addition Article 12 (10) requires Member States to submit to the Commission the list of approved free zones, free and customs warehouses and authorised ship suppliers, which are published under the following link:

http://ec.europa.eu/food/animal/bips/warehouses_en.htm

5.2. Requirements for separation and storage of non-conforming consignments

Article 12 (4)(b) 4th indent of Directive 97/78/EC requires free zones, free/customs warehouses to have storage and/or refrigeration rooms to allow for the separate storage of

¹⁷ Commission Decision 2000/571/EC 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, OJ L 240, 23.09.2000, p. 14

products which do not comply with public health legislation (non-conforming consignments).

In the case of existing warehouses, the competent authority may authorise separate storage of such products on the same premises insofar as these products are stored in lockable enclosures. The storage of non-conforming consignments has to be in a space that is completely separate from conforming consignments (consignments that do conform to public health legislation). Walls/fences enclosing the consignments should be lockable and high enough to prevent boxes falling and accidentally co-mingling with other consignments. In order to ensure compliance with Article 13 of Directive 97/78/EC, ship suppliers must pay particular attention to ensure appropriate separation when dealing with broken pallets.

Each unit of non-conforming products in storage must be identified with the reference number of the relevant CVED. Intact wrapped pallets can be considered as a unit, otherwise each box should be considered as a unit.

Article 4 2nd and 3rd indents of Decision 2000/571/EC specifies that the official veterinarian - or persons operating under his supervision - shall ensure that documentary and identity checks are carried out on consignments during their storage in and before each dispatch from the relevant warehouse in order to verify their source and destination. This ensures that all dispatches of non-conforming consignments from warehouses are authorised.

Although Article 4 provides room for Member States to let customs officials or other persons carry out the documentary, identity and exit checks, these officials or persons have to operate under the supervision of the official veterinarian. This is because the official veterinarian is the sole person responsible for issuing the CVED or the veterinary certificate laid down in the Annex to Decision 2000/571/EC for the dispatch of consignments from free/customs warehouses approved to store non-conforming consignments.

5.3. Requirements for communication

5.3.1. Movement from the entry BIP to free zones, free/customs warehouses or ship suppliers/ships

The communication requirements applicable for non-conforming consignments as they move from the entry BIP to free zones, free/customs warehouses or ship suppliers/ships are not clearly specified in EU legislation.

When a non-conforming consignment is transported from the entry BIP to a free zone, free/customs warehouse, it must be accompanied by the CVED issued by the entry BIP. Consequently the relevant free zone, free/customs warehouse should be mentioned in the CVED in box 8 and 37 as destination of the consignment. If the consignment is transported from the entry BIP to a ship or to a specially approved warehouse (Article 13(2) of Directive 97/78/EC), in addition to the CVED the veterinary certificate laid down in the Annex to Decision 2000/571/EC must be used to accompany the consignment.

The entry BIP shall use TRACES without delay to communicate relevant information in the CVED to the Local Veterinary Unit (LVU) or BIP responsible for the free zones,

free/customs warehouse or ship suppliers/ships¹⁸ to receive the notification for the consignment in due time. Once a non-conforming consignment has left the entry BIP and arrives at the free zone, free/customs warehouses or ship supplier/ship of destination, the LVU or BIP responsible for the free zone, free/customs warehouse or ship supplier/ship should complete the relevant parts in box 41 of the CVED in TRACES to provide feedback of the arrival of the consignment and its conformity to the entry BIP.

At all times, the official veterinarian at the entry BIP must ensure the hygiene and security of non-conforming consignments transported to warehouses before approving their dispatch. In the case of movement to warehouses in other Member States, it is essential that, over and above this, the competent authority of the Member State concerned has approved/authorised the relevant warehouse of destination to accept non-conforming consignments (recital (5) of Decision 2000/571/EC). This can be verified with the competent authority of the relevant Member State or by checking the lists of approved warehouses on the DG SANCO website for veterinary border control (http://ec.europa.eu/food/animal/bips/warehouses_en.htm).

5.3.2. Movement from the free zones or free/customs warehouses to the exit BIP

When a non-conforming consignment is transported from a free zone, free/customs warehouse to the exit BIP the CVED in TRACES must be used. The competent authority shall issue a daughter CVED, which can be properly linked with the original CVED issued by the entry BIP (use of box 24).

If the relevant entry BIP is responsible authority for the supervision of a free zone, free/customs warehouse or ship supplier, the daughter CVEDs can be issued with box 1 of the CVED containing the relevant free zone, free/customs warehouse as consignor.

If the relevant LVU is responsible authority for the supervision of a free zone, free/customs warehouse or ship supplier, they will need to have the authorisation as a Super LVU (SLVU) in order to be able to issue daughter CVEDs for consignments leaving the free zone, free/customs warehouses or ship suppliers. This is necessary to avoid built up in the TRACES statistics of consignments in the entry BIP in those cases where these consignments have actually been dispatched from a free zone, free/customs warehouse or ship supplier.

The exit BIP being informed by TRACES of the arrival of the consignment can confirm to the relevant SLVU or BIP of entry, once the official veterinarian in the exit BIP has checked the consignment, the exit of the consignment from the EU and its conformity by completing the relevant parts in box 41 of the CVED.

5.3.3. Movement from the free zones or free/customs warehouses to a ship supplier

When a non-conforming consignment is transported from a free zone or free/customs warehouse to a ship supplier, the CVED in TRACES must be used. The competent authority shall issue a daughter CVED, which can be properly linked with the original CVED issued by the entry BIP (use of box 24). Similarly the provisions described in the previous chapter are applicable and the LVU or BIP responsible for the relevant free zone

¹⁸ For clarification: the LVU responsible for ships would be the LVU responsible for the port/port zone in which the relevant ship is anchored when receiving non-conforming consignments.

or free/customs warehouse needs to be informed on the arrival of the consignment at the ship supplier.

In the case of movements from a free/customs warehouse to a ship supplier, both of which are located in the same building and under the responsibility of the same owner, there is no need for TRACES to be used and CVEDs to be issued. However, if different owners or different locations are involved, the entire process must be registered, both within TRACES and by means of the requisite CVED.

5.3.4. Movement from the free zones, free/customs warehouses or ship suppliers to a ship or to a specially approved warehouse (Article 13(2) of Directive 97/78/EC)

When a non-conforming consignment is transported from free zones, free/customs warehouse or ship suppliers to a ship or to a specially approved warehouse, the veterinary certificate laid down in the Annex to Decision 2000/571/EC has to be used. According to Article 13 (2)(a) of Directive 97/78/EC a ship supplier can deliver non-conforming consignments directly to a ship or to a specially approved warehouse in the port in which the ship will arrive, where they can await the arrival of the ship.

Until TRACES will be adapted to include the above veterinary certificate laid down in the Annex to Decision 2000/571/EC together with some guidance as to how to fill in the relevant details (CN-codes, different product types and weights), a paper version of this certificate has to be used.

When the non-conforming consignment is delivered to the ship, the competent authority responsible for the port of destination or an official representative of the master of the ship should countersign the original veterinary certificate arriving with the consignment and return it back to the official veterinarian responsible for the free/customs warehouse/ship supplier (Article 5 (3) of Decision 2000/571/EC).

In addition, the CVED in TRACES should be used and in box 13 CN-code 9930 should be included: goods delivered to vessels and aircrafts (goods from CN chapters 1 – 24). This CN code is laid down in the Guidelines on Specific Commodity codes for air and ship supplies¹⁹. These guidelines have been in force since 1 July 2009 and are similar to the legal text in Regulation (EC) No 1875/2006²⁰ which provides the basis for their development. In addition, box 10 of the CVED could be left empty or the code 0000 could be inserted as it is not possible to include the details of several health certificates.

5.4. Requirements for registration

Article 12 (4)(b) 3rd indent of Directive 97/78/EC requests that approved free/customs warehouses must meet the requirement to log daily all consignments entering or leaving the warehouse. This log must contain details of the nature and quantity of the products in each consignment and the name and address of the consignee. Such records must be kept for at least three years.

¹⁹

http://ec.europa.eu/taxation_customs/resources/documents/customs/policy_issues/customs_security/specific_commodity_codes_en.pdf

²⁰ Commission Regulation (EC) No 1875/2006 of 18 December 2006 amending Regulation (EEC) No 2454/93 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code, OJ L 360, 19.12.2006, p. 64

Article 3 (2) of Decision 2000/571/EC clarifies that the registers of the entries and dispatches must be such so as to be able to trace consignments and allow for a reconciliation to be made of all the quantities entering and leaving the warehouses. In addition to the above information, the register must also include the following details:

- The country of origin and the BIP of arrival (entry BIP), and/or,
- the free/customs warehouse of dispatch, for those non-conforming consignments entering the relevant warehouse/ship supplier.
- The unique reference number of the CVED for each consignment entering and leaving.
- The reference number of the veterinary certificate laid down in the Annex to Decision 2000/571/EC and the address of the destination warehouse in those cases where the destination is a ship supplier.
- The destination vessel or the specially approved warehouse or the third country of destination and the exit BIP.

Keeping effective records to allow for the traceability of all products that pass through the warehouse is essential. EU legislation is not specific about the fact that the veterinary service is responsible for keeping the records but it is very clear on the matter of ensuring that the company involved in the movement of the non-conforming consignment includes all data necessary to ensure its full traceability.

6. PROCEDURES AT EXIT BIPS

6.1. General

In order to ensure proper traceability, Article 11 (2)(e) of Directive 97/78/EC states that the official veterinarian of the BIP of exit shall declare on the CVED that the consignments concerned have left the Union. A copy of this document should then be sent to the BIP of entry by fax or any other means. As the use of TRACES has become obligatory, the requirement to fax copies may become obsolete.

Nevertheless, Member States should put measures in place to ensure that transit consignments are presented and checked at the exit BIP. This can work in one of two ways, either the customs authorities should be informed of the relevant consignment by the exit BIP once the exit BIP receives the TRACES message indicating that a consignment in transit is due to leave, or vice-versa, the customs authorities should inform the exit BIP of any consignment leaving the Union that is accompanied by a CVED.

The official veterinarian of the exit BIP shall carry out checks as necessary, at least a documentary and identity check (concerning the identity at least a seal check at the container) to verify if the consignment presented conforms to that dispatched from the BIP of entry or the free/customs warehouse and that it corresponds to the information in the CVED.

After these checks are carried out, the relevant part of box 41 of the CVED should be filled in in TRACES by the veterinary staff to confirm the exit and the conformity of the relevant consignment.

In any case, after the expiry of the 30 day deadline, it is up to the BIP of entry to launch any investigations with the relevant customs services to verify the exit or the whereabouts of a consignment for which no feedback in box 41 of the CVED has been returned to the entry BIP in TRACES. However, then this box should not be used by the entry BIP to

indicate that after the expiry of the 30 day deadline they received from customs the information that the consignment left.

6.2. Irregularities

Given that there are sometimes irregularities with exiting consignments, for example due to accidents on the way to the exit BIP, the following guidance, covering a variety of situations, applies.

In the simplest case, if the load is untouched and the seal of the container or truck is intact, the exit BIP can allow the consignment to exit from the EU without any checks additional to those described in Chapter 6.1.

If, however, the integrity of the load cannot be guaranteed, either due to a broken seal or damaged doors, a decision on the spot, depending on the particular case, has to be taken. This decision may involve: resealing the container or truck, changing the means of transport or destroying the consignment. If there is any suspicion that the consignment has been compromised in such a way so as to present a risk to public or animal health, then it should be destroyed in accordance with the requirements laid down in Regulation (EC) No 1069/2009. The relevant LVU would be responsible for such a decision whether it involved resealing, providing relevant documentation (CVED referring to the new means of transport) for the consignment or any such measure if indeed irregularities are found to have occurred on the way to the exit BIP.

7. TRADE WITH THIRD COUNTRIES

7.1. Russian Memorandum

In addition to the Memorandum of 2 September 2004 between the European Community and the Russian Federation an Annex was signed on 4 April 2006. This Memorandum and the Annex deal with the veterinary certification of animals and animal products to be exported from the then European Community to Russia and their transit through the territory of the Union.

Russia has a general preference for direct transits without any intermediary storage and therefore asks for original veterinary documents for all arriving consignments. While this works in many scenarios, it is difficult to accede to this request in those cases where consignments are split in the entry BIP or in a free/customs warehouse for logistical reasons.

Ongoing action: The Commission raised this point in letters to the Russian authorities in September 2009 and January 2011 and suggested adding a description of the transit procedure in the Annex to the above-mentioned Memorandum. The transit procedure proposed is attached as Annex to this Guidance. This guidance will be updated, once the issue has been further clarified with the Russian authorities.

In relation to specific Russian import requirements, it is not the task of the Union entry BIP to check for Russian import requirements and to reject consignments destined to Russia, if they do not comply with Russian import requirements.

7.2. Rejections by the third country authorities

Transit consignments, rejected by a third country authority are to be considered as transits through the Union territory back to the third country of origin. The original animal health certificate has to accompany the consignment in question together with the original CVED once the consignment is presented for re-entry into the Union.

In addition, in the case of consignments rejected by Russian authorities, they have to be accompanied by the non-manipulation certificate as provided for in Point 8 of the Annex to the above mentioned Memorandum. This certificate has to be issued by the Russian authorities.

7.3. Derogations for consignments from Russia to and from Kaliningrad

To address Russian concerns in the case of consignments being moved between Russia and Russia (Kaliningrad), derogations have been put in place with respect to the fulfilment of animal health requirements for consignments of animal origin. This means that no animal health requirements need to be met and consequently the specific animal health certificate is not needed for consignments of animal origin in transit from Russia and Russia (Kaliningrad). However, EU legislation details the requirements to be respected for the movement of such consignments through Latvia, Lithuania and Poland (ie. Article 17 of Commission Regulation (EU) No 206/2010²¹):

- Presentation of these consignments to designated BIPs in Latvia, Lithuania and Poland (footnote 13 in Annex 1 to Decision 2009/821/EC²²),
- Sealed with a serially numbered seal at the relevant entry BIP,
- The veterinary certificates/documents accompanying the consignments are stamped 'ONLY FOR TRANSIT TO RUSSIA' on each page by the entry BIP,
- The consignment is certified as acceptable for transit on the CVED by the entry BIP,
- Unloading or storage in free zones, free/customs warehouses shall not be allowed,
- Presentation of these consignments to the relevant exit BIP,
- Regular audits shall be made by the competent authority to ensure that the number of consignments and the quantities of products leaving the Union territory matches the number and quantities entering.

8. CONSIGNMENTS TO NATO BASES/US BASES

Where consignments originating from the US are destined to warehouses of NATO or US bases, different procedures apply depending on the location of the warehouse of destination.

If the warehouse of destination is not on the NATO or US base but on Union/EEA territory, the consignment must be treated as an import, ie. it must be fully checked at the

²¹ Commission Regulation (EU) No 206/2010 of 12 March 2010 laying down lists of third countries, territories or parts thereof authorised for the introduction into the European Union of certain animals and fresh meat and the veterinary certification requirements, OJ L 73, 20.3.2010, p. 1

²² 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, OJ L 296, 12.11.2009, p 1

entry BIP and fulfil all import conditions. If the warehouse is approved under Article 12 (4) or authorised under Article 13 of Directive 97/78/EC, the consignment may be treated as a non-conforming consignment for storage ie. kept separate from conforming consignments, it must be checked accordingly and fulfil animal health requirements.

If on the other hand, the warehouse is located a) inside the NATO or US base in Union territory or b) at a NATO or US base in a third country, the consignment should be treated as a consignment in transit and must fulfil animal health requirements. The specific animal health certificate is therefore necessary. The BIP of entry should carry out a documentary and identity check and transmit the relevant information on the arrival of the consignment with the CVED in TRACES to a) the competent authority responsible for the warehouse (designated exit point) or b) the BIP of exit. In the first case, the competent authority (designated by the relevant base) responsible for the warehouse (designated exit point) should confirm in the relevant part in box 41 of the CVED the arrival and the conformity of the consignments. In the second case, where the destination is a third country, the exit BIP should confirm the consignment's exit from Union/EEA territory and its conformity in the relevant part in box 41 of the CVED.

The procedure for the first case was implemented on a trial basis for meat consignments destined to the US base at Ramstein airport in Germany and the relevant data has been introduced in TRACES. Based on the success of this pilot scheme, it was extended to include consignments of meat coming from the US through Antwerp BIP and to the US bases of Ramstein and Gruenstadt. Meanwhile the pilot phase is finished and the scheme could soon be extended to include Bremerhaven BIP and it is considered to be extended to Greece, Italy and Spain later where appropriate.

In future, in case of consignments consisting of products with different CN codes, the CN code 9930 could be inserted in box 13 of the CVED. Alternatively the veterinary certificate laid down in the Annex to Decision 2000/571/EC could be used, once it is included in TRACES.

9. ANIMAL PRODUCTS TRANSHIPPED AT PORTS OR AIRPORTS

9.1. General

Consignments of animal products arriving in an Union/EEA port/airport on a vessel/aircraft *en route* to another Union/EEA port/airport are not subject to veterinary checks unless they are unloaded.

On the other hand, if consignments of animal products arrive in an Union/EEA port/airport on a first vessel/aircraft and are to then travel onwards in another vessel/aircraft (ie. they are unloaded from the first vessel/aircraft to the second vessel/aircraft for onward travel) and are not to be imported at the BIP of arrival in the first port/airport, then special conditions for veterinary checks apply. Onward travel may involve either importation into the Union/EEA (ie. at a second BIP) or onward travel to a third country.

In cases where consignments of animal products are transhipped in this manner, they must be transferred under customs control or within the same free zone from the importing means of transport (first vessel/aircraft) to the exporting means of transport (second vessel/aircraft) within the area of the same customs office responsible for import and export. Doing this correctly requires a summary declaration to be made to the relevant

customs office upon arrival ie. the cargo manifest of the arriving vessel/aircraft, and a declaration to be made at the time of export ie. the cargo manifest of the departing vessel/aircraft.

9.2. Advance notifications for transhipped consignments

Advanced notification for transhipped consignments of animal products - as laid down in Article 3 (3) of Directive 97/78/EC and Article 2 (1) of Regulation (EC) No 136/2004 - is required. This advance notification should be carried out by providing the first part of the CVED to the relevant BIP, see also Chapter 4.1.1. In addition, the person responsible for the load must provide the following information to the official veterinarian at the BIP of arrival at the time of arrival:

- the estimated unloading time of the consignment,
- the BIP of destination in the Union in case of import or transit through the Union or the third country of destination in case of transit directly to a third country port/airport,
- the exact location of the consignment in the arrival port/airport, if it is not loaded directly on an aircraft or vessel to the onward destination,
- the estimated time of loading of the consignment on the aircraft or vessel bound to the onward destination, as provided for in Article 1 of Commission Implementing Decision 2011/215/EU²³ replacing Decision 2000/25/EC²⁴.

Article 3 (3) of Decision 2004/292/EC²⁵ requires that the CVED shall be provided in TRACES for all products entering the Community whatever the customs arrangements to which they are subject are from 31. December 2005. The intention of the legislator with this is to have the respective information to be introduced in TRACES independent from the fact that the second part of the CVED may not be completed. This should ensure that as much information as possible is provided to the BIP of arrival and to facilitate supervision and traceability in particular of consignments being transhipped.

While Decision 2004/292/EC requires that Member States shall ensure the use of TRACES for the relevant consignments, Article 2 (4) of Regulation (EC) No 136/2004 allows the responsible for the load to provide the information on the first part of the CVED through electronic data transmission, e.g. TRACES.

In relation to transhipments, the competent authority for the BIP of arrival has to determine the procedure and the means to provide the above information to the relevant official veterinarian. To allow Member States for a transitional period for the inclusion of this information in TRACES for consignments staying less than 7 days in ports or less than 12 hours in airports, the pre-arrival information for such consignments should include at least the information described under the four indents above, the voyage number and

²³ Commission Implementing Decision 2011/215/EU of 4 April 2011 implementing Council Directive 97/78/EC as regards transshipment at the border inspection post of introduction of consignments intended for import into the EU or for third countries, OJ L 90, 06.04.2011, p 50

²⁴ Commission Decision 2000/25/EC 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, OJ L 9, 13.01.2000, p. 27

²⁵ Commission Decision 2004/292/EC of 30 March 2004 on the introduction of the Traces system and amending Decision 92/486/EC, OJ L 94, 31.3.2004, p. 63

the name of the ocean vessel/airplane, the terminal of arrival of the vessel, date and time of unloading, voyage number and name of the departing vessel/airplane, date and time of departure, terminal of departure, port/airport of destination, third country of origin, content with product description, CN-code of the product, container and seal number, number of packages, weight and the temperature regime.

9.3. Destination of transhipped consignments

Consignments of animal products may only be transhipped through a BIP of arrival with one of two final destinations: import into the Union/EEA in a second BIP or onward travel to a third country. Derogations from the need for veterinary checks exist in the following cases:

9.3.1. Consignments destined for the import in the Union/EEA in the second BIP (Article 9 of Directive 97/78/EC)

A consignment to be imported into the Union/EEA has to fulfil all EU import requirements, namely animal and public health conditions. The checks needed to prove these conditions are met, will take place either in the first BIP of arrival or in the second BIP. The first BIP of arrival's first duty is to ensure that the second BIP is approved to receive the consignment in the relevant product category. If the latter is not the case, then it is the first BIP of arrival that must carry out the full veterinary checks and this even before the minimum time period has elapsed.

If the second BIP is approved accordingly, they will carry out the necessary veterinary checks depending on which checks have been carried out in the first BIP (details see in Chapter 9.4).

In case a consignment is underlying the re-enforced check regime according to Article 24 of Directive 97/78/EC, this has to take place in the second BIP.

9.3.2. Consignments destined for third countries (Article 11 (2)(b) of Directive 97/78/EC)

Consignments destined for third countries must fulfil animal health conditions since the enforcement of Directive 2002/99/EC. This means in particular that they must come from a third country whose products are allowed entry into the territories of the Union as listed in Annex I to Directive 97/78/EC. Documentary and identity checks have to be carried out at the BIP of arrival (details see in Chapter 9.4) and if there is a health risk or irregularities are suspected, physical checks must also be carried out.

The re-dispatch²⁶ of consignments not fulfilling the animal health conditions without any further stop on the territories listed in Annex I to Directive 97/78/EC to a third country is permissible in accordance with Article 11 (1)(a) of Directive 97/78/EC. In these cases it is not necessary to issue a notification within the RASFF-system.

However, as Article 11 (1)(a) of Directive 97/78/EC was designed before the enforcement of Directive 2002/99/EC, it requires that transit of consignments coming from a third country whose products are prohibited entry into the territories of the Union as listed in

²⁶ Re-dispatch as provided for in Article 17 of Directive 97/78/EC and in Article 21 of Regulation (EC) No 882/2004

Annex I to Directive 97/78/EC and destined to another third country shall not be authorised by the relevant Member States. This means that transit of consignments for which a safeguard measure or another specific prohibition has been adopted, is not allowed.

Member States may decide to waive the above requirement and allow transshipments (of consignments coming from a third country whose products are prohibited) from one aircraft to another or from one vessel to another within the area of the same customs office responsible for import and export of the same port or airport or within the same free zone for the purpose of re-dispatch without further stop on the Union territory for consignments originating from a third country whose products are prohibited to enter into the Union. If Member States decide so, detailed rules have to be adopted in accordance with Article 29 of Directive 97/78/EC. Currently no such rules to lay down the general criteria to be respected in this regard have been adopted.

9.4. Veterinary checks to be carried out on transhipped consignments

9.4.1. Before the minimum time period for veterinary checks laid down in Article 2 and 3 of Decision 2011/215/EU has elapsed (12 hours at airports and 7 days at ports)

In cases where consignments are destined for a third country are not unloaded from the vessel/aircraft, the documentary check at the first BIP will be confined to the examination of the on-board manifest as provided for in Article 11 (2)(b) 2nd paragraph first indent of Directive 97/78/EC.

In cases where consignments are destined for a third country and they are transhipped from one aircraft to another or from one vessel to another within the above minimum time period and within the customs area or the free zone of the same port or airport, a derogation from the documentary and identity check may be granted by the competent veterinary authority as provided for in Article 11 (2)(b) 2nd indent of Directive 97/78/EC.

However, Article 9 (1)(a) of Directive 97/78/EC clarifies that Member States may carry out a documentary check, if there is a risk to animal or public health. This check may be carried out on the basis of the certificate or veterinary document of origin or any other original document, or an authenticated copy thereof accompanying the consignment concerned.

In cases where consignments destined for a third country are unloaded from the vessel/aircraft, the above mentioned documentary check must include a check of the specific animal health certificate requested in EU legislation as provided for in Article 9 (1)(a) of Directive 97/78/EC. In cases where consignments are destined for later importation into the Union/EEA, this documentary check must include a check of the relevant import certificate requested in EU legislation.

Article 20 of Directive 97/78/EC provides for the legal power for Member States and their BIPs to check and seize a consignment at that stage if necessary, and if there is a risk to animal or public health.

Goods entering the customs territory of the Union are subject to customs supervision. They remain under customs supervision until they are released for free circulation, re-

exported or destroyed. Goods under customs supervision may be subject to customs controls (Article 37 of Regulation (EEC) No 2913/92²⁷). Customs may carry out all controls that are necessary to verify that customs rules and other relevant legislation are correctly applied (Article 13 of Regulation (EEC) No 2913/92). For measures such as detention, seizure or confiscation national rules apply. In some Member States a Court decision (decision by a judge) is required for such measures.

Irrespective of whether a consignment is destined for later importation or for transit, in case the above mentioned documentary check does not have a satisfactory result and if there is any possibility of danger to public or animal health, the consignment must be subjected exceptionally to an identity and a physical check in the first BIP. Consequently the CVED can be completed and in case of rejection, the first BIP has to take a decision in compliance with the requirements laid down in Article 19 of Regulation (EC) No 882/2004.

9.4.2. After the minimum time period for veterinary checks laid down in Article 2 and 3 of Decision 2011/215/EU has elapsed (12 hours at airports and 7 days at ports)

In case a consignment is destined for later import into the Union/EEA in a second BIP, a documentary check has to be carried out in the first BIP to ensure that the consignment fulfils public and animal health requirements laid down in EU legislation.

At this point, the first BIP has to issue the CVED in TRACES indicating the result for the documentary check. The validated CVED is notified to the second BIP, which, using the feature "Tranship" can create a subsequent CVED related to that consignment, in which the results of the identity and physical checks together with the veterinary decision will be recorded. This procedure is described in detail in the TRACES Release Note Version 5.10²⁸.

In case a consignment is destined for transit to a third country, the first BIP has to carry out a documentary and identity check as provided for in Article 11 (2)(b) first sentence of Directive 97/78/EC. These checks must include a check of the certificate or veterinary document of origin, the specific animal health certificate or any other original document, or an authenticated copy thereof accompanying the consignment concerned. In addition they have to check if the relevant consignment will leave directly with a vessel or aircraft to the relevant third country or if a later transport via road/rail/waterways through Union territory is involved. In the latter case, the relevant consignment has to fulfil animal health conditions. A CVED has to be issued indicating the results of the checks and the veterinary decision.

Irrespective of whether a consignment is destined for later importation or for transit, in case the documentary check does not have a satisfactory result and if there is any possibility of threat to public or animal health, the consignment must be subjected exceptionally to an identity and a physical check in the first BIP. In addition Article 20 of Directive 97/78/EC is applicable and the relevant consignment must undergo the re-enforced physical checks regime. This includes detainment until laboratory results are

²⁷ Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code, OJ L 302, 19.10.1992, p. 1

²⁸ The TRACES Release Note Version 5.10 can be downloaded at :
http://circa.europa.eu/Public/irc/sanco/tracesinfo/library?l=/version/version_510&vm=detailed&sb=Title

available in cases in which it is suspected that veterinary legislation has not been complied with or there is doubt of non compliance with EU requirements.

After results of these checks are available, the CVED can be completed. In case of rejection, the first BIP has to take a decision in compliance with the requirements laid down in Article 19 of Regulation (EC) No 882/2004.

Original certificates/documents are checked in the first BIP of arrival and are to be forwarded to the second BIP together with the CVED.

9.4.3. Extension of the minimum period in ports from 7 to 14 days for consignments being transhipped directly to a third country (Article 3 (2) of 2011/215/EU)

Decision 2011/215/EU provides Member States with the legal basis for an extension of the minimum period in Union ports from 7 to 14 days for certain consignments that are transhipped from one vessel to another at the first BIP within the customs area or free zone of the same port. This extension is only possible for consignments which are intended for another third country without any further stop on the territories listed in Annex I to Directive 97/78/EC.

In addition, the Member State wishing to apply this extension has to present a detailed justification to the Commission and to the other Member States during a meeting of the Standing Committee on the Food Chain and Animal Health. This justification should specify that the Member State concerned has taken all the measures necessary to prevent the relevant consignments from being moved to another Union port instead of being transhipped directly to a third country. Those measures shall include a monitoring system to ensure that the time periods and the onward destination as indicated in the advance notification (see Chapter 9.2) are respected.

9.4.4. After the maximum time period for veterinary checks laid down in Article 2 (2) of Decision 2011/215/EU has elapsed (48 hours at airports and 20 days at ports)

An identity and physical check has to be carried out – on top of the documentary check already undertaken - to ensure that the consignment fulfils the EU requirements for importation.

After results of these checks are available, the CVED can be completed. In case of rejection, the BIP has to take a decision in compliance with the requirements laid down in Article 19 of Regulation (EC) No 882/2004.

10. CONSIGNMENTS OF LIVE ANIMALS FOR TRANSIT OR BEING TRANSHIPPED

Due to the high animal health risk, EU legislation aims at ensuring that live animals physically entering the Union territory do not bear any animal health risk. Therefore live animals have to fulfil EU import requirements for animal and public health and animal welfare.

10.1. Consignments of live animals in transit

Requirements for the transit of live animals are laid down in Article 9 of Directive 91/496/EEC. According to this Article a full check of the live animals has to be carried

out in the entry BIP. Article 22 of Council Regulation (EC) No 1/2005²⁹ clarifies further that necessary measures must be taken to ensure the prevention or reduction of any delay during the transport of live animals. The competent authority shall therefore ensure that special arrangements are in place at concerned BIPs in order to give priority to the transport of live animals. The BIP in question also has to be approved for the particular live animal category/categories and must be properly equipped to carry out the appropriate veterinary checks. Transport times under animal welfare legislation start to be calculated from the departure from the entry BIP.

The exit BIP also needs to be informed without delay (normally through the CVED in TRACES) of the arrival of the consignment in question. The consignment should leave the customs territory of the entry BIP under customs transit procedures.

A special provision has been provided for equidae on their way from a third country to another third country in Article 1 of Commission Decision 2010/57/EU³⁰. Article 1 (1a) of that Decision authorises the transit of equidae from third countries, territories or parts thereof as indicated in columns 6 and 8 of Annex I to Decision 2004/211/EC³¹. According to Article 1 (b) of Decision 2010/57/EU a "Transit certificate for the transport of equidae from one third country to another" is required. Article 1(3) of the same Decision, however, provides a derogation for registered equidae from third countries, territories or parts thereof as indicated in column 5 of Annex I to Decision 2004/211/EC.

10.2. Transhipped consignments of live animals

Consignments of live animals may be transhipped through a BIP of arrival for import into the Union/EEA via a second BIP or for transit to a third country. The BIP of arrival of consignments of live animals has to be approved for the particular live animal category/categories to ensure that it is properly equipped and that adequately trained staff is available to carry out the appropriate veterinary checks in the two following scenarios.

10.2.1. Consignments of live animals not unloaded in the BIP of arrival

Where a consignment of live animals is not to be imported at the BIP of arrival and the animals continue their journey by sea or by air in the same vessel or aircraft to another BIP for import into the Union/EEA or transit to a third country, a documentary check has to be carried out on these consignments by the BIP of arrival as provided for in Article 4 (1) of Directive 91/496/EEC and Annex I to Commission Decision 97/794/EC³². A derogation from the identity and physical checks is provided in Article 4 (3) of Directive 91/496/EEC for these consignments. However, it has to be ensured that the animals continue their journey by sea or by air in the same vessel or in the same aircraft.

The person responsible for the load must announce the arrival of the consignment of live animals to the BIP of arrival in accordance with Article 3 (1)(a) of Directive 91/496/EEC

²⁹ 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, OJ L 3, 05.01.2005, p. 1

³⁰ Commission Decision 2010/57/EU of 3 February 2010 laying down health guarantees for the transit of equidae being transported through the territories listed in Annex I to Council Directive 97/78/EC, OJ L 32, 04.02.2010, p 9

³¹ Commission Decision 2004/211/EC of 10 April 1992 on animal health conditions and veterinary certification for temporary admission of registered horses, OJ L 130, 15.5.1992, p. 67

³² Commission Decision 97/794/EC 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, OJ L 323, 26.11.1997, p. 31

and Article 1 of Commission Regulation (EC) No 282/2004³³ with the first part of the CVED. In addition Article 3 (2)(b) of Decision 2004/292/EC stipulates that for live animals this has to be done in TRACES.

Following the documentary check provided for above, the second part of the relevant CVED should be issued with the result of the documentary check. The CVED in TRACES can, at this stage, be considered to be “in progress” and the second BIP will receive a notification by e-mail of the arrival of the consignment of live animals. Once the second BIP has then completed checks due at the second BIP, namely identity and physical checks, it can then complete and validate the second part of the CVED.

10.2.2. Consignments of live animals unloaded in the BIP of arrival and continuing their journey with a different vessel or aircraft

If a consignment of live animals is unloaded in the BIP of arrival, a full veterinary check (documentary, identity and physical) has to be carried out there to ensure that animal and public health and welfare conditions are respected.

³³ 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, 19.02.2004, p. 11

ANNEX

Transit procedure proposed in application of point of the annex of 4 April 2006 to the Memorandum of 2 September 2004 between the European Community and the Russian Federation on veterinary certification of animals and animal products to be exported from the EC to Russia

- a. In the cases of splitting lots of goods introduced into the EC for further transit to Russia at the Border Inspection Post (BIP) of entry in the EU or in a specifically approved free/customs warehouse under customs and veterinary control, the competent Member States authorities will provide the Russian authorities with an authenticated copy of the original health certificate and the transit certificate both issued by the third country competent authorities and accompanying the original consignment. An original Common Veterinary Entry Document (CVED) will be issued for each consignment being a subdivision of the original consignment.
- b. The issuance of this original CVED is only possible when a mother CVED has been issued for the whole consignment in the BIP of entry which corresponds to the original health certificate.

The BIP of entry or the competent veterinary authority supervising the specifically approved free/customs warehouse shall indicate on the authenticated copies the changed amounts of the weight of the consignment as well as the number of packages.

- c. The original of the health certificate and the transit certificate issued by the authorities in the third country of origin of the goods will be kept by the EU veterinary competent authorities at the BIP of entry or at the free customs warehouse of storage until the last subdivision of the consignment has transited to Russia.
- d. The original health certificate and the transit certificate with the remaining amount of goods indicated will accompany the last subdivision of the consignment transiting to Russia.