

RE: Position Paper on the Regulation on Official Controls

Legal Background

The following articles and rules are of particular relevance for the ship supply industry:

- Directive 97/78/EC, with particular attention given to Art. 12 and Art.13;
- Regulation (EC) 136/2004, with particular attention given to Art.5 Par.2;
- EU-Commission decision 2000/571/EC

The position of OCEAN

- 1. Article 46.h, Article 75.1.k and Article 75.1.c of the Proposal for Regulation of the European Parliament and of the Council on official controls, which will give the empower the Commission to draft delegated acts to replace Article 12 and Article 13 of Directive 97/78/EC.**

The Articles 12 and 13 of EU Directive 97/78/EC regulate the arrangement of the special storage in warehouses. In particular, Art.12 indicates the correct procedure to be followed while dealing with animal products, under transit rules, and Art.13 explains which is the correct procedure to be used for products, when sent directly to a ship in order to be consumed on board.

The Commission's wish of having a transparent and traceable flow of goods has thus been realized.

In the Article 46.h, Article 75.1.k and Article 75.1.c, the European Commission shall be empowered to adopt delegated acts on:

- The exemption of going under official controls for "any other category of animals or goods for which controls at border control posts are not necessary given the risks they pose";
- Performing specific official controls and the adoption of measures in cases of non-compliance.

Having reached an excellent level of implementation, obtained through a well traced and canalized system which has been able to ensure the arrival at destination of the goods,

OCEAN :

- is actually satisfied with the functioning of the articles 12 and 13 as they are and asks to keep their provisions in the delegated acts which will be drafted;

-suggests however minor amendments aiming at a more flexible legislation and less time consuming :

- According to Art.12.8, the products which do not meet Community requirements (Art.12.4) may only leave a warehouse, in order to be dispatched to a third country or to a warehouse as referred to in Article 13, or to be destroyed.
The one-time storage limitation for the consignments referred to in art. 12.4 should be modified: it would be a useful improvement if there would be the opportunity of relocating these consignments to one more warehouse of same level of approval.
- The rules concerning storage in the veterinary free bonded warehouses should become more appropriate: separation fences could be easily adapted to create a visible and impenetrable separation between parcels.
- Mutual savings can result if physical controls are substituted by more administrative controls, together with the creation of a “single window“, in which a trader will only have to deliver the information concerning the goods once to one contact point instead of several.

The delegated acts will be also the opportunity to update the current EU Commission regulations and decisions with regard to the official controls at the external border of the EU.

Therefore, OCEAN would like to recommend these amendments for those regulations and decisions.

2. Article 5 paragraph 2 Commission Regulation (EC) No 136/2004

According to the Art.5 par.2 of Reg.(EC) 136/2004, in case a consignment is split, the competent authority may issue an authenticated photocopy of the original of the CVED to accompany each part consignment, marked with information on the revised quantity or weight.

This means that the economic operator has to obtain from customs an authenticated photocopy of the original of the CVED for every sub-quantity. This procedure is very ineffective and should be changed.

OCEAN asks to revise this part of the regulations, with the removal of the request for certified copy for every single sub-quantity.

3. Commission Decision 2000/571.

- ✓ The Art.2 of Commission Decision 2000/571 deals with the Notification of arrival of products by means of the Common Veterinary Entry Document.

For the ship owner the vessel's stay in port is very expensive. Then, all attention is being focussed on a quick departure of the vessel.

During the time of unloading and loading of the vessel it may happen that the captain or his representative on-board does not process the veterinary certificate appropriately.

OCEAN considers that an alternative proof of the correct supply of goods should be recognised. Examples of alternative proof could be ship owners' order sheets, goods receipts from the vessels and payment receipts.

- ✓ Until now, no direct delivery to ships in third countries with veterinary certificate is possible.

OCEAN asks to allow veterinary certificates for ship supply outside the EC.

Finally, Ship suppliers provide a 24-hour service throughout the year and are an essential element of modern maritime trade in a vibrant shipping industry, which is responsible for 90% of the EU's international trade and around 40% of the freight exchanges between EU Member States.

In the past, OCEAN has been intensely engaged in the consultations concerning the legislation, not only because the ship supply has of considerable commercial importance but also for its importance towards the Community.

It would be of great importance for OCEAN to be consulted and participate again in the drafting of the future delegated acts.

What is OCEAN? What is ship supply?

OCEAN is the European Ship Suppliers Organisation; it is the voice of the Ship Supplying Industry of Europe.

OCEAN represents over 750 Ship Chandlers (more than 250,000 jobs) that supply a wide range of goods to several hundred thousand ships annually, in most of the 2,000 merchant ports throughout the 70,000 km European coastline.

A ship supplier (= ship chandler) is a specialised trader or economic operator that delivers to a vessel all the goods required for the operation of a ship and for the well-being of its crew and passengers. The added value of a ship supplier is the knowledge of where to obtain the required goods and what to do to deliver these goods in the required place at the required time.

OCEAN's membership also includes the general ship supply companies which may exclusively supply to the vessel and the crew (not the passengers), but also includes the suppliers of cruise vessels, where goods may be supplied to passengers.

More detailed information about the ship supply business can be found on our website www.shipsupply.eu



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