



EUROPEAN COMMISSION  
HEALTH & CONSUMERS DIRECTORATE-GENERAL  
Directorate F - Food and Veterinary Office

DG(SANCO)/ 2008-7746 - MR - FINAL

FINAL REPORT OF A MISSION  
CARRIED OUT IN  
THE CZECH REPUBLIC  
FROM 22 JANUARY TO 25 JANUARY 2008  
IN ORDER TO  
EVALUATE IMPORT/TRANSIT CONTROLS AND BORDER INSPECTION POSTS

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

### ***Executive Summary***

*This report describes the outcome of a mission carried out by the Food and Veterinary Office (FVO) in the Czech Republic, from 22 to 25 January 2008.*

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

*The main conclusions are as follows:*

- There is a well organised system in place to ensure the implementation of import/transit controls.*
- The actions taken in response to the recommendations made in the previous report (DG(SANCO)/7727/2005) have further improved the overall import/transit control system, in particular regarding deficiencies noted for veterinary procedures and facilities at the BIP.*
- Notwithstanding the above, some shortcomings were noted in the system for identification of consignments, especially regarding sharing of available information, in certain veterinary controls at the BIP, in the controls on passenger luggage regarding seizure and disposal of seized products of animal origin, in the allocation of responsibilities for and the interpretation of requirements in relation to introduction of accompanied pet animals, in the supervision of the destruction of kitchen waste from international means of transport and in the approval of warehouses storing non EU- complying consignments.*

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

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## ABBREVIATIONS & SPECIAL TERMS USED IN THE REPORT

Abbreviation	Explanation
Approval categories	<p>Categories of live animals and animals products for the receipt of which BIPs are approved in accordance with Commission Decision 2001/881/EC, as follows:</p> <p>HC Products fit for human consumption</p> <p>NHC Other products (Products not fit for human consumption)</p> <p>T(CH) Chilled products</p> <p>T(FR) Frozen products</p> <p>NT No temperature requirements</p> <p>U Live animals: ungulates (cattle, pigs, sheep, goats, wild and domestic solipeds)</p> <p>E Live animals: registered equidae (as defined in Council Directive 90/426/EEC)</p> <p>O Live animals: other animals (including zoo animals)</p> <p>(2) Packed products only</p>
BIP	Border Inspection Post as defined in Council Directives 97/78/EC and 91/496/EEC
CA	Competent Authority
CCA	Central Competent Authority
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
CN-code	The goods nomenclature code as laid down by Annex 1 to Council Regulation (EEC) No 2658/87 (i.e. the Combined Nomenclature)
Customs	National Customs Authority
CVD	County Veterinary Directorates
CVED	Common veterinary entry document for products of animal origin as laid down in Annex III to Commission Regulation (EC) No 136/2004 and for live animals as laid down in Annex I to Commission Regulation (EC) No 282/2004.
Decision on the consignment	The decision made by the OV at the BIP and entered on the CVED, as to the outcome of veterinary checks and the resulting fate of consignments.
FVO	Food and Veterinary Office
Kitchen waste	Catering waste from means of transport operating internationally

<b>Abbreviation</b>	<b>Explanation</b>
	as defined in Art. 4 (1) (e) of Regulation (EC) No 1774/2002
Manifest	A document specifying in detail the items carried by boat, rail or aeroplane arriving in ports/rails/airports of destination for a specific destination
MS	Member state
POAO	Products of Animal Origin
Positive list	List of commodities of animal origin which are subject to veterinary checks in BIPs, as specified in Commission Decision 2007/275/EC
RASFF messages	Messages used in the Rapid Alert System for Food and Feed of the European Commission
RVA	Regional Veterinary Administration
SVA-CR	State Veterinary Administration of the Czech Republic
TRACES	TRAdE Control and Expert System introduced by Commission Decision 2004/292/EC

## 1 INTRODUCTION

This mission to the Czech Republic took place from 22 to 25 January 2008. The mission team comprised two inspectors from the Food and Veterinary Office (FVO). The mission was carried out as part of the FVO's planned mission programme. During the mission, the inspection team was accompanied by representatives from the Central Competent Authority (CCA) - Ministry of Agriculture and State Veterinary Administration of the Czech Republic (SVA-CR) and for some visits by Customs.

An opening meeting was held on 22 January with the representatives from the CCA and Customs. At this meeting, the inspection team confirmed the objectives of and itinerary for the mission. Additional information required for the satisfactory completion of the mission was requested from the CCA. The general good level of the preparation of the mission by the CCA was appreciated at the closing meeting.

## 2 OBJECTIVES OF THE MISSION

The **objectives** of the mission were:

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

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

In terms of the **criteria** applied, the assessment was undertaken against the requirements set out in Council Directives 97/78/EC, 91/496/EEC, and the relevant implementing Regulations and Decisions, and Commission Regulation (EC) No 745/2004, Regulation (EC) No 882/2004 of the European Parliament and of the Council and Regulation (EC) No 998/2003 of the European Parliament and of the Council. (Legal acts quoted in this report are provided in Annex 1 and refer, where applicable, to the last amended version.)

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

Competent authorities		Comments
Authority	Central/ Local	Opening and closing meetings, meetings in course of the visit to BIPs and on the spot visits
Customs	Central/ Local	Opening and closing meeting and on the spot visits
Entry points	2	1 airport BIP and one regional airport
Customs warehouse	1	Customs warehouse approved under Art. 12 (4) of Directive 97/78/EC
Caterer	1	Supplying aircraft travelling internationally

### 3 LEGAL BASIS FOR THE MISSION

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

### 4 BACKGROUND

The last mission concerning import controls was in November 2005. The results of which are described in DG(SANCO) / 7727/2005-MR Final (hereafter: report 7727/2005) and are available on the Internet at:

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

In response to report 7727/2005, the CCA provided an action plan which was judged to provide an acceptable response to the recommendations made. However, in a number of cases it was not indicated that the actions would be completed within the deadlines laid down in the above report.

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

Location	Type	Approval as in Decision 2001/881/EC	Last visit	Last report	Consignments in 2007	Transit exit
Praha-Ruzyn#	Airport	HC(2), NHC-T(CH)(2), NHC(NT)(2) E, O	November 2005	7727/2005	677	0

## 5 MAIN FINDINGS

### 5.1 COMPETENT AUTHORITIES

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

There have been no changes in the organisation of the CCA responsible for import/transit controls, these are detailed in the country profile for Czech Republic DG(SANCO)/8027/2006-CP Final available on the internet at:

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

- The State Veterinary Administration of the Czech Republic (SVA-CR) within the Ministry of Agriculture continues to be responsible for coordination and management of the import/transit control system.
- Customs within the Ministry of Finance are organised operationally into eight Regional Directorates and 54 operational offices who carry out Custom's clearance procedures and checks at entry points.

#### 5.1.2 Allocation of competencies among CAs

Responsibility for the execution of import/transit controls lies with SVA-CR. The Municipal Veterinary Administration (MVA) for the city of Prague has direct responsibility for the BIP Praha-Ruzyn#. Management of import/transit related matters and BIPs is implemented by the export and import Division within the SVA-CR centrally who also have responsibility for supervisory inspections/audits of the BIP.

- Customs are responsible for checks on passenger's luggage under Regulation (EC) No 745/2004, under the terms of a co-operation agreement between the SVA-CR and Customs last updated in December 2006; however, under the terms of this

agreement Customs have not been obliged to seize illicit POAO and may only prohibit its entry. Furthermore, responsibility to ensure correct disposal of POAO refused entry by Customs has not been fully clarified.

- Under the terms of the above agreement Customs are also responsible for the checking of accompanied non-commercial pet animals under Regulation (EC) No 998/2003, problem cases being referred to the local BIP or Regional Veterinary Administration as appropriate for further action.
- The responsibility for checks on the disposal of kitchen waste from international means of transport at airports lies with the Regional Veterinary Administrations, in Praha-Ruzyn# airport, this is implemented by the BIP.
- Responsibility for approval and supervision of warehouses in which products not complying with EU requirements are stored, has been given to the relevant Regional Veterinary Administration.

### *5.1.3 Staff and training*

- No shortcomings were noted which could be attributed to staffing at the BIP visited.
- Training was provided in 2006 and also for 2007 some of this was provided by the Commission, some was internal training.
- Training was also provided by the SVA-CR to Customs officials involved in checks on pets and passenger luggage.
- There is a system in place to document and record training provided.
- For 2008 no training programme had been developed at the time of the mission.

## **5.2 LEGISLATIVE AND ADMINISTRATIVE PROVISIONS**

### *5.2.1 Transposition/effectiveness of EU legislation*

According to the information provided by the CCA, the main import control legislation is transposed and implemented by the Veterinary Act No 166/1999 last amended by Act 48/2006 and a number of related decrees. The mission team noted that:

- The above Act was amended in December 2006 in order to clarify responsibilities for disposal of POAO abandoned at the airport entry points. A further amendment is currently passing through parliament, which should correct the problem with the transposition of Art. 7 (1) of Directive 97/78/EC described in report 7725/2005. A precise date of completion of this process could not be provided.
- Fees are now levied according to the provisions of Annex V to Regulation (EC) No 882/2004.

### *5.2.2 Administrative provisions for implementation*

- A number of updates were made to the manual of procedures for BIPs since the last mission, the latest revision applying since January 2008. While a detailed evaluation of the manual was not carried out, it was noted that the manual did not provide guidance in relation to the implementation of Art. 24 of Directive 97/78/EC.
- Lists of entry points for accompanied pet animals required under Art. 13 of Regulation (EC) No 998/2003 and for accompanied pet birds required under Art. 2 (3) of Commission Decision 2007/25/EC have been drawn up and sent to the Commission services as required but not to all MS as required by the aforementioned articles.
- The designated competent authority for the performance of checks on pet animals foreseen under Art. 12 of Regulation (EC) No 998/2003 has not been communicated to the Commission or other MS.
- No detailed procedures for the approval of warehouses under Art. 12 of Directive 97/78/EC have been developed. Checklists used by the Regional Administrations in their approval of these warehouses do not assess the specific requirements of Art. 12 of Directive 97/78/EC and in Commission Decision 2000/571/EC. The assessment dealt with the general hygiene requirements of Regulation (EC) No 853/2004.
- No standard methodology had been developed by the Regional Administrations to assess whether the disposal of kitchen waste from international means of transport including the obligations on operator as laid down in Regulation EC No 1774/2002 were being followed by caterers supplying international aircraft. In one region a checklist had been developed locally for use during inspections of the facility.
- Regarding fishery products no administrative measures have been put in place to implement the requirements of Art. 17 of Commission Regulation (EC) No 2076/2005, laying down transitional arrangements for the implementation of Regulations (EC) No 853/2004, (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council and amending Regulations (EC) No 853/2004 and (EC) No 854/2004. This relates to requesting compliance with the health import requirements from the third countries concerned and restricting such products to the domestic market; additionally, as no prohibition has been placed on the introduction of fishery products from the countries concerned, such introductions are possible either to The Czech Republic directly, or to other MS.
- In relation to raw material for pet food the guarantees required in Annex VIII Chapter XI point 7(a) of Regulation (EC) No 1774/2002 had not been sought from the pet food plants receiving such materials. [\(see Endnote\)](#)
- Based on Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein, list 1999/C 356/2002 catalogues all places of introduction and export designated by Member States for trade with third countries in accordance with Art. VIII (3) of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).
- In spite of some changes since report 7727/2005 the list of entry points for CITES live animals and POAO provides for entry of live animals and POAO at one entry point where there is no suitably approved BIP.

### *5.2.3 Implementation of TRACES*

- All consignments introduced in the Czech Republic are being entered into TRACES as required by Art. 3 (3) of Commission Decision 2004/292/EC.
- At present the TRACES system is not generally used by the importers to notify relevant consignments to the BIPs and to fill in part one of the CVED, although this is provided for in the system. Thus the BIP staff enter the data into the system themselves after issue of the CVED in hard copy and, a number of data entry errors were noted e.g. type of product and CN code differed between hard copy and the information in the system in some cases this was important information such as the nature of the consignment, the amount or the country of origin.
- In a number of cases where consignments were destined to controlled destinations the required information about the controlled destination was not entered correctly in TRACES. In these cases the actual destination could not be notified about the impending arrival of the consignments.

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

As well as the TRACES system the BIP also maintains its own system Klient PVS as described in previous reports. This is also used to record laboratory sampling and results thereof.

- These registers were maintained up to date and contain most of the information required under Commission Decisions 97/394/EC and 97/152/EC and the register of laboratory sampling as foreseen in Decision 2001/812/EC. However, the requirement in point 2 c (iii) and (iv) of the Annex to Decision 97/152/EC to record the name and service of origin of the veterinarian who signed the health certificate is not fulfilled.

Commission databases, a commercial database and SVA-CR web pages are used as a source for information on import/transit control requirements and lists of approved countries and establishments. New EU legislation is constantly updated by SVA-CR and sent to the BIP by e-mail and fax.

- There is a system in place to ensure that all such information is read by all relevant staff at the BIP.
- The required documentation was present at the BIP, however, there were no lists of plants authorised to receive channeled consignments such as raw materials for pet food and the IATA Regulations necessary for live animal examinations were out of date. According to staff these were not provided by the CCA but purchased locally by the BIP staff.

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

- It could not be demonstrated by the CCA that it is possible to impose sanctions for attempted illegal importation of POAO or live animals in passenger luggage and to

date the CA has not imposed any penalties for such attempted illegal imports.

- According to Customs they do not have the power to seize products of animal origin in passenger luggage, although required under the provisions of Art. 4 (2) of Regulation (EC) No 745/2004. It was noted that in one entry point Customs did not release POAO, which were attempted to be introduced illegally.
- The cost of destruction of attempted illegal introductions is borne by the airport operator where the transgression takes place.

### **5.3 CONTROLS FOR IMPORT/TRANSIT CONSIGNMENTS AT THE ENTRY BIP**

#### *5.3.1 Identification and selection of consignments*

- The system of identification and selection at the BIP depends of notification by either the importer or the cargo handling agents at the airport.
- Pre-notification is not fully implemented and no action is taken in those cases where consignments are not pre-notified to the BIP although required under the provisions of Regulation (EC) No 136/2004 and Regulation (EC) No 282/2004. In most cases regular importers will pre-notify the BIP as required, but in many cases of sporadic imports these are not notified to the BIP until after arrival of the consignment on the territory. In a number of cases examined where information was provided in advance it did not contain all the details required under the aforementioned legislation.
- The Customs electronic processing system W-DIS contains links to CN-codes of live animals and products, subject to veterinary checks, and has been updated to take account of the positive list contained in Commission Decision 2007/275/EC. The requirement for veterinary checks is automatically flagged by the system for these products and live animals.
- There is no such link with CN codes in the Customs system for transit from third countries (NCTS).
- Veterinarians at the BIP do not have sufficient access to the information on arriving consignments held in the electronic systems of Customs and airport cargo handling agents to enable them to be sure that all consignments are being presented to the BIP and to fulfil the requirements of Art. 6 of Regulation (EC) No 136/2004 and Art. 5 of Regulation (EC) No 282/2004.

#### *5.3.2 Veterinary checks*

In many cases veterinary checks were carried out properly and in accordance with the legislative requirements and a number of technical or individual errors were discussed on the spot. A number of shortcomings, however, were more generalised:

- Regarding documentary checks, while many of the shortcomings were minor, some incomplete health certificates were accepted and many health certificates were

accepted although live frogs were included in the model health certificate for tropical fish laid down in the Annex IV to Commission Decision 2006/656/EC, which is not provided for under the terms of the aforementioned certificate.

- A proper system to follow up channeled consignments in order to implement the requirements of Art. 8 of Directive 97/78/EC was not in place and in a number of cases it was not confirmed that channeled consignments had in fact been received at destination within the deadline specified in the above Article.
- In certain cases where live animals were dispatched to controlled destinations no follow up was initiated when confirmation of arrival was not received from the destination. (National guidance in relation to the use of the TRACES system indicates that confirmation of arrival of all live animals should be entered in the system).

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

A monitoring plan for 2007 for sampling imported consignments, as required in Annex II to Regulation (EC) No 136/2004, was drawn up by the CCA and was being implemented the BIP.

- At the BIP visited, while the plan was available and samples had been taken as required the plan itself did not fully conform with the requirements of the above Regulation in that it only addressed sampling for residues and did not include any pathogen testing.
- The monitoring plan for 2008 was not yet finalised and according to the CCA would not be available until March 2008.

### *5.3.4 Re-imported consignments*

There have been no re-imported consignments of POAO through the BIP visited.

### *5.3.5 Decision on the consignment*

In general the decision on the consignment was taken properly and issued correctly; only a few areas were problematic.

- Non harmonised live animals were released for free circulation and not restricted to the National market as required under the provisions of Directive 91/496/EC.
- Where live animals were rejected the procedure was not followed correctly as the details required in part III of the CVED were not entered in all cases.

### *5.3.6 Animal welfare*

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

- There were no specific national requirements/standards for animal welfare for "O" live animals and no specific guidance has been provided to BIP staff in this regard.
- According to the BIP IATA guidelines for the transport of live animals are followed, however, these are not provided by the CCA to BIP staff.

#### *5.3.7 Monitoring the exit of transit consignments*

- To date there have been no transit consignments of POAO which entered the EU in the Czech Republic so no follow up has proved necessary.

### **5.4 CONTROLS AND SUPERVISION OF TRANSIT CONSIGNMENTS AT EXIT BIPs**

- To date no POAO consignments in transit have exited the EU through the BIP in the Czech Republic.

### **5.5 CONTROLS AND SUPERVISION OF NON-EU-COMPLYING CONSIGNMENTS IN FREE ZONES, FREE AND CUSTOMS WAREHOUSES/SHIP SUPPLIERS**

#### *5.5.1 Customs warehouses*

At the time of the mission there was one warehouse approved under Art. 12 (4) of Directive 97/78/EC for the storage of non-EU-complying consignments of animal origin, this warehouse, however, had not received any non-EU-complying consignments since its initial approval.

Initial approval of this warehouse had taken place prior to accession using a checklist and approval template developed to assess the compliance with EU hygiene requirements.

- The checklist used for approval did not assess the specific requirements of Directive 97/78/EC and Decision 2000/571/EC but was tailored towards an assessment of the hygiene requirements; only general reference is made to storage and registration and to facilities for veterinarians without any specific mention of the requirements in the above legislation.
- Operational guidelines for officials supervising warehouses have been developed since the last mission. These provided guidance as to the required registers and records to be maintained and the controls over entry and exit of consignments. However, as no consignments had been received since approval these could not be applied.
- In the warehouse visited the facilities for storage were inadequate as no refrigeration was present.
- During the mission the CCA withdrew the approval of the facility under Art. 12 of Directive 97/78/EC.

#### *5.5.2 Ship suppliers*

At present, no ship suppliers have been authorised under Art. 13 of Directive 97/78/EC.

## **5.6 IMPORT CONTROLS ON PERSONAL AND NON-COMMERCIAL TRAFFIC**

### *5.6.1 Personal baggage and mail*

In response to the findings in report 7727/2005 the CCA indicated that a review of the Veterinary Act would be undertaken to clarify the responsibilities in relation to responsibility for the destruction of POAO seized at entry points and that it would carry out training activities with Customs officials who are involved in the checking of pet animals and in the checking of passenger luggage for POAO.

- At the entry points visited Customs check passengers from third country on a random basis and where POAO is uncovered during these checks passengers are refused permission to bring in the product and are invited to dispose of the product in special bins provided by the airport authority.
- Some progress was noted with the development of a documented system to record destruction of this material. Supervision of this destruction is carried out by the SVA-CR. However, the system in place does not cover the whole process, as no records are maintained by Customs of material they refuse entry to; the records maintained only relate to the amount of material sent for destruction by the relevant airport authority.
- No measures are used to screen large volumes of luggage for POAO such as scanning equipment or specially trained dogs as provided for in Art. 4 (1) of Regulation (EC) No 745/2004.
- Although posters as provided for in Annex II to Regulation (EC) No 745/2004 were displayed at the entry points visited these were not always fully up to date and no measures have been implemented to ensure that international transport operators provide to the travelling public the information required by Art. 3 (2) of Regulation. Information had been placed on the web sites of the SVA-CR and Customs in relation to the requirements for POAO in passenger luggage, however, the printed material in the form of leaflets made available by Customs did not clearly specify the requirements in relation to POAO.

### *5.6.2 Non-commercial pet animals*

- Customs have been given responsibility for checks on accompanied pet animals and have been provided with the necessary equipment to carry out checks e.g. microchip readers by the SVA-CR.
- Information had been placed on the web sites of the SVA-CR and Customs in relation to the requirements for accompanied pets, however, the leaflets made available by Customs did not clearly specify the requirements and did not provide the information required under Art. 11 of Regulation (EC) No 998/2003.

- Although Customs had been provided training in relation to the import requirements for accompanied pet animals and officials encountered were aware of the general requirements. No simplified and easily accessible instructions had been developed for officials carrying out controls and not all officials encountered were aware of some specific requirements e.g. in which cases a titration certificate foreseen in Art. 8 of Regulation (EC) No 998/2003 would be required.
- No provisions had been put in place at the smaller entry point visited to implement the requirements laid down in Art. 14 of Regulation (EC) No 998/2003 where checks reveal that a pet animal does not meet the requirements laid down in that Regulation (no arrangements for euthanasia or housing pending re-dispatch etc).

### **5.7 CONTROLS ON KITCHEN WASTE**

Catering waste is consigned to a landfill approved under the provisions of Council Directive 1999/31/EC.

- At the caterer visited a documented procedure for transfer of waste had only been implemented since January 2008; prior to this the responsible SVA-CR was unaware that this facility was in receipt of international catering waste.
- The fact that international catering waste was being produced came to light following an inspection in August 2007 of the entry point by the CCA to check controls on passenger luggage and pets. In response the CCA has contacted all regional services to try to establish if catering waste is being disposed of correctly in all Regions.
- At the caterer visited the commercial documents used did not fully comply with all the relevant requirements of Chapter III of Annex II to Regulation (EC) No 1774/2002, namely the identification of material, and the place of origin of the material.

### **5.8 SUPERVISORY SYSTEMS**

#### *5.8.1 Supervision, inspections and reporting*

Audits within the scope of Regulation (EC) No 882/2004 have not started yet. These, according to the CCA will commence in 2009 and will be carried out by the SVA-CR itself.

- It was confirmed during the mission that the BIP is inspected by the CCA twice per year using a standard checklist which includes an assessment of facilities and procedures. During the mission it was demonstrated that shortcomings had been identified and corrective measures put in place.
- Since the last mission the CCA introduced inspections of regional services where there were non-BIP entry points to check on arrangements for passenger luggage and accompanied pet animals. Inspections were carried out also of the regional

service which supervised the warehouse approved under Art.12 of Directive 97/78/EC.

- While a specific checklist and report has been developed for the checks on non-BIP entry points, which led to some shortcomings being identified and corrected, no such document has been developed in relation to the Regional services responsible for warehouses approved under Art. 12 of Directive 97/78/EC and a number of problems were identified in this area.

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

- As described at 5.2.1 at central level, there is a co-operation agreement between the CCA and Customs, laying the framework of local operational co-operation at each entry point and defining the relative responsibilities of the SVA-CR and Customs.
- At the BIP visited, although there was no formal documented agreement there was good operational co-operation in the area of veterinary checks, the controls on luggage and accompanied pet animals.
- However the exchange of data as required in Art. 6 of Regulation (EC) No 136/2004 and in Art. 5 of Regulation (EC) No 282/2004 is not yet implemented fully as the BIP does not receive all the information in relation to arriving consignments which is available to Customs.

#### *5.8.3 Outcome and follow up of controls on personal luggage*

- The CCA submits the annual report on the measures taken to advertise and enforce rules on personal imports of meat and milk, and the results thereof to the Commission required under Art. 5 of Regulation (EC) No 745/2004.

#### *5.8.4 Facilities outwith the BIPs*

- Slaughtering, quarantine and laboratory facilities were available for the BIP visited.

### **5.9 INDIVIDUAL BIP: FACILITIES, EQUIPMENT AND HYGIENE**

Some shortcomings with the BIP facilities as described in report 7727/2005 BIP facilities were rectified. However, the facilities for E are used for the housing of live dogs prior to export which effectively leaves them unavailable for their intended purpose.

The detailed findings for the BIP visited are described in Annex 2.

#### **Praha - Ruzyn#**

Suitable for current approval following rectification of some shortcomings identified during the mission and provided the use of the BIP is restricted to import controls on POAO and live animals.

## **6 CONCLUSIONS**

### **6.1 LEGISLATION AND ADMINISTRATIVE MEASURES**

1. While in general the required legislation is transposed, the measures taken to correctly transpose Art. 7 of Directive 97/78/EC following report 7727/2005 are not yet concluded. The implementing measures for Art. 4 of Regulation (EC) No 745/2004 are not clear, which has prevented Customs from seizing illegally imported POAO.
2. The CA for checks on pet animals is not clearly designated as required under Regulation (EC) No 998/2003 which raises problems in the provision of clear implementing instructions to frontline officials carrying out controls.
3. The administrative measures in place for the authorities approving and supervising the customs warehouses under provisions of Art. 12 of Directive 97/78/EC do not yet ensure that legislative requirements are being met.
4. Notwithstanding some progress, the list of CITES entry points does not reflect the provisions of the BIP list in Decision 2001/881/EC, and it is not apparent from the current list that live animals and POAO may only be introduced at those entry points where there is a suitably approved BIP.
5. Due to the lack of administrative measures to apply Art. 17 (2) of Regulation (EC) No 2076/2005, there is a risk that such consignments will be accepted without the necessary controls. Similarly, lack of measures to implement the guarantees required in Annex VIII Chapter XI point 7(a) of Regulation (EC) No 1774/2002 means that it is not ensured that channeled consignments are processed in the establishment of destination as required.
6. While detailed procedures and work instructions are in place in many areas and have led to an overall improvement, the lack of instructions in relation to Art. 24 of Directive 97/78/EC may be affecting its implementation. Additionally, in light of the problems identified, it would appear that the guidance in relation to consigning live animals to a controlled destination and channeling is not sufficiently clear as required under the provisions of Art. 8.1 of Regulation (EC) No 882/2004.
7. The fact that the lists of entry points for non-commercial pet animals and pet birds as required in Regulation (EC) No 998/2003 and Decision 2007/25/EC have not been sent to all MS may lead to an increased risk that such animals may not undergo the checks as required in this legislation.

### **6.2 SUPERVISION/MANAGEMENT OF SYSTEM**

1. Generally staff levels were satisfactory to implement point 2 (2) c of the Annex to

Decision 2001/812/EC and training was provided to relevant staff including Customs officials. However, the training plan for 2008 has not been finalised as yet and may need to be modified in light of the findings of this mission in order to fully implement the provisions of Art 6 of Regulation (EC) No 882/2004.

2. The customs electronic system flags consignments which require veterinary checks. However, notwithstanding the framework agreement in place for co-operation between the services, co-ordination between the BIP and other involved authorities regarding the exchange of information and access to databases as required in Artt. 6 and 7 of Regulation (EC) No 136/2004 and Artt. 5 and 6 of Regulation (EC) No 282/2004 is not yet in place. This lack of access makes it difficult for the BIP staff to have a proper overview of incoming, transiting or transhipped consignments ensuring that the requirements of Artt. 3, 9 and 11 of Directive 97/78/EC are fulfilled. This is compounded by the fact that the requirement for pre-notification as required under the aforementioned Regulations is not implemented fully.
3. A system for auditing the BIPs in line with Art. 4 (6) of Regulation (EC) No 882/2004 has not yet been put in place. The supervisory system in place by the CCA has successfully identified and corrected a number of shortcomings. However, the CCA supervision did not ensure correction of shortcomings in relation to the storage of consignments in warehouses approved under Art. 12 of Directive 97/78/EC.
4. Systems for supervision and verification of the collection and disposal of kitchen waste from international means of transport are not implemented fully in accordance with the requirements of Regulation (EC) No 1774/2002 and the current situation does not ensure full traceability and adequate disposal of this material. Furthermore, it is not fully assured that all caterers handling this type of waste have been identified and are being properly supervised.
5. While the system to provide updated documentation to the BIP has improved, documentation was not as complete as foreseen in point 3 of the Annex to Decision 2001/812/EC and the registration of consignments did not fulfil the provisions foreseen under point 2 c (iii) and (iv) of the Annex to Decision 97/152/EC.
6. The BIP facilities visited, other than for some minor shortcomings in equipment, are in accordance with provisions laid down in Directive 97/78/EC, Decision 2001/812/EC and Directive 91/496/EEC for their current approval categories except for the use of the facilities for E to house dogs intended for export, which is not in accordance with the terms of approval of the facility and de facto leaves these facilities unavailable for their intended purpose.

### **6.3 IMPORT/TRANSIT CONTROLS**

1. The channeling procedure was not applied as required in Art. 8 of Directive 97/78/EC, which increases the risk that the consignments may not reach their intended destination.
2. The current procedure of putting information into TRACES leads to increased risk

of data entry errors and reduces the reliability of the information therein.

3. The shortcomings noted in checks on live animals demonstrate a lack of clear understanding of the requirements and may indicate a need for specific guidance or training in relation Regulation (EC) No 282/2004 especially in relation to documentary checks and completion of the CVED.
4. The current monitoring plan does not assess all the criteria required in the Annex II to Regulation (EC) No 136/2004, preventing the CCA from having a complete overview as to whether the import requirements are being met fully by all imported consignments.
5. The system to check personal baggage of travellers from third countries is not fully in line with the requirements of Art. 1 of Regulation (EC) No 745/2004 as there are shortcomings regarding seizure of POAO being illegally introduced, in the provision of information to the travelling public as required in Art. 5 of Regulation (EC) No 745/2004 and in the provisions for destruction of seizures at all entry points.
6. Regarding controls of accompanied pet animals there are shortcomings in the provision of information required under Art. 11 of Regulation (EC) No 998/2003 to both the travelling public and officials carrying out controls which increase the risk that animals may be introduced without the required documentation.

#### **6.4 OVERALL CONCLUSION**

There is a well organised system in place to ensure the implementation of import/transit controls. The actions taken in response to the recommendations made in the previous report (DG(SANCO)/7727/2005) have further improved the overall import/transit control system, in particular regarding deficiencies noted for veterinary procedures and facilities at the BIP. Notwithstanding the above, some shortcomings were noted in the system for identification of consignments, especially regarding sharing of available information, in certain veterinary controls at the BIP, in the controls on passenger luggage regarding seizure and disposal of seized products of animal origin, in the allocation of responsibilities for and the interpretation of requirements in relation to introduction of accompanied pet animals, in the supervision of the destruction of kitchen waste from international means of transport and in the approval of warehouses storing non EU-complying consignments.

#### **7 CLOSING MEETING**

A closing meeting was held on 25 January 2008 with representatives from the CCA, and Customs as well as on-the-spot in the BIP visited. At this meeting, the main findings and the preliminary conclusions of the mission were presented by the inspection team. The CCA did not express major disagreement and the representatives responded as follows:

- Further clarification was provided in relation to a number of issues.
- The shortcomings identified would be corrected without delay.

- The CCA confirmed the withdrawal of approval under Art. 12 of Directive 97/78/EC of the warehouse visited.

## 8 RECOMMENDATIONS

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

No.	Recommendation
1	To expedite the legislative measures to correct the transposition of Art. 7 of Directive 97/78/EC and to take the necessary measures to ensure implementation of Art. 17 (2) of Regulation (EC) No 2076/2005.
2	To put in place administrative measures to ensure the proper application at all entry points of Regulation (EC) No 998/2003, especially Artt. 4, 11 and 12 thereof.
3	To take administrative measures to provide for seizure and full supervision of disposal of seizures of POAO in passenger luggage in order to apply the requirement of Art. 4 (1) and 4 (2) of Regulation (EC) No 745/2004 at all entry points.
4	To take appropriate measures to improve the application of Art.12 Directive of 97/78/EC and of Decision 2000/571/EC particularly regarding administrative measures for approval of these establishments and to further develop the administrative arrangements in place for supervision and approval of non-EU-complying consignments in customs warehouses so as to correctly apply Art. 12 of Directive 97/78/EC.
5	To take measures necessary in relation to the CITES list of points of entry in order to ensure that all CITES-consignments which are subject to veterinary checks are presented to entry points with an appropriately approved BIP in order to apply properly Art 4 of Directive 91/496/EC and Art 5 of Directive 97/78/EC.
6	To review relevant instructions and manuals in order to provide clear guidance, as required by Art. 8.1 of Regulation (EC) No 882/2004 and section 3 of the Annex to Decision 2001/812/EC, in order to facilitate and ensure correct implementation of veterinary checks – including, in particular, veterinary checks for live animals, monitoring of consignments to controlled destinations and animal welfare –as required by Directives 91/496/EEC and 97/78/EC and Regulation (EC) No 1/2005.
7	To ensure that the requirements for collection, transport and records for destruction of kitchen waste from international means of transport including galley waste at ports are implemented as laid down in Regulation (EC) No 1774/2002.

No.	Recommendation
8	To update the registration systems in place to ensure that all the information required under Commission Decision 97/152/EC is maintained and to complete the documentation system to ensure compliance with point 3 of the Annex to Decision 2001/812/EC.
9	To put in place a system to ensure that the guarantees required in Annex VIII Chapter XI point 7(a) of Regulation (EC) No 1774/2002 are provided by all establishments receiving such consignments.
10	To rectify all shortcomings noted for equipment and for the housing of live animals at the BIP visited in order to implement the provisions of Art. 6 of and Annex A to Directive 91/496/EEC and Decision 2001/812/EC.
11	To take further measures to ensure that veterinary checks, including the application of a monitoring plan as foreseen in the Annex II to Regulation (EC) No 136/2004 are implemented fully in line with the requirements of Directive 97/78/EC and 91/496/EEC.
12	To ensure that correct and complete information is entered into TRACES in accordance with Regulation (EC) No 136/2004 and Decision 2004/292/EC.
13	To take measures to ensure the correct application of Regulation (EC) No 745/2004 regarding the provision of information to travellers at all entry points and in the collection of information regarding seizures in order to fully implement the provisions Artt. 3 (2) and 5 of this Regulation.
14	To finalise without delay taking into account the findings of this report the training programme for BIP staff for 2008 in order to better apply the provisions of Art. 6 of Regulation 882/2004.
15	To take the measures necessary to ensure that the exchange of information and access to databases as required in Artt. 6 and 7 of Regulation (EC) No 136/2004 and Artt. 5 and 6 of Regulation (EC) No 282/2004 is put in place.

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

[http://ec.europa.eu/food/fvo/ap/ap\\_the\\_czech\\_republic\\_7746\\_2008.pdf](http://ec.europa.eu/food/fvo/ap/ap_the_czech_republic_7746_2008.pdf)

## 9 ENDNOTES

Concerning	Detail
Section 5.2.2	In their comments to the draft report the CCA stated that raw material for petfood has never been imported to the Czech Republic via BIP airport Prague. As the Czech Republic has no list of approved establishments the CCA assumed that no other EU BIP could ever channel such products to the Czech Republic without approval from the SVA-CR.

## ANNEX 1 - LIST OF LEGISLATION REFERENCED IN THE REPORT

Reference	OJ Ref.	Detail
Directive 2002/99/EC	OJ L 18, 23.1.2003, p. 11–20	Council Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption
Directive 91/496/EEC	OJ L 268, 24.9.1991, p. 56–68	Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organization of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC
Decision 2001/881/EC	OJ L 326, 11.12.2001, p. 44–62	2001/881/EC: Commission Decision of 7 December 2001 drawing up a list of border inspection posts agreed for veterinary checks on animals and animal products from third countries and updating the detailed rules concerning the checks to be carried out by the experts of the Commission
Directive 97/78/EC	OJ L 24, 30.1.1998, p. 9–30	Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries
Regulation (EC) No 745/2004	OJ L 122, 26.4.2004, p. 1–9	Commission Regulation (EC) No 745/2004 of 16 April 2004 laying down measures with regard to imports of products of animal origin for personal consumption
Regulation (EC) No 882/2004	OJ L 165, 30.4.2004, p. 1, Corrected and re-published in OJ L 191, 28.5.2004, p. 1	Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules
Regulation (EC) No 998/2003	OJ L 146, 13.6.2003, p. 1–9	Regulation (EC) No 998/2003 of the European Parliament and of the Council of 26 May 2003 on the animal health requirements applicable to the non-commercial movement of pet animals and amending Council Directive 92/65/EEC
Regulation (EC) No 1774/2002	OJ L 273, 10.10.2002, p. 1–95	Regulation (EC) No 1774/2002 of the European Parliament and of the Council of 3 October 2002 laying down health rules concerning animal by-products not intended for human consumption

<b>Reference</b>	<b>OJ Ref.</b>	<b>Detail</b>
Regulation (EC) No 1093/94	OJ L 121, 12.5.1994, p. 3–5	Council Regulation (EC) No 1093/94 of 6 May 1994 setting the terms under which fishing vessels of a third country may land directly and market their catches at Community ports
Regulation (EC) No 2076/2005	OJ L 338, 22.12.2005, p. 83–88	Commission Regulation (EC) No 2076/2005 of 5 December 2005 laying down transitional arrangements for the implementation of Regulations (EC) No 853/2004, (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council and amending Regulations (EC) No 853/2004 and (EC) No 854/2004
Regulation (EC) No 1/2005	OJ L 3, 5.1.2005, p. 1–44	Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No 1255/97
Decision 2007/25/EC	OJ L 8, 13.1.2007, p. 29–34	2007/25/EC: Commission Decision of 22 December 2006 as regards certain protection measures in relation to highly pathogenic avian influenza and movements of pet birds accompanying their owners into the Community
Decision 2000/571/EC	OJ L 240, 23.9.2000, p. 14–18	2000/571/EC: Commission Decision of 8 September 2000 laying down the methods of veterinary checks for products from third countries destined for introduction into free zones, free warehouses, customs warehouses or operators supplying cross border means of sea transport
Regulation (EC) No 338/97	OJ L 61, 3.3.1997, p. 1–69	Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein
Decision 2004/292/EC	OJ L 94, 31.3.2004, p. 63–64	2004/292/EC: Commission Decision of 30 March 2004 on the introduction of the Traces system and amending Decision 92/486/EEC
Decision 97/394/EC	OJ L 164, 21.6.1997, p. 42–43	97/394/EC: Commission Decision of 6 June 1997 establishing the minimum data required for the databases on animals and animal products brought into the Community
Decision 97/152/EC	OJ L 59, 28.2.1997, p. 50–52	97/152/EC: Commission Decision of 10 February 1997 concerning the information to be entered in the computerized file of consignments of animals or animal products from third countries which are re-dispatched

<b>Reference</b>	<b>OJ Ref.</b>	<b>Detail</b>
Decision 2002/349/EC	OJ L 121, 8.5.2002, p. 6–30	2002/349/EC: Commission Decision of 26 April 2002 laying down the list of products to be examined at border inspection posts under Council Directive 97/78/EC
Decision 2007/275/EC	OJ L 116, 4.5.2007, p. 9–33	2007/275/EC: Commission Decision of 17 April 2007 concerning lists of animals and products to be subject to controls at border inspection posts under Council Directives 91/496/EEC and 97/78/EC
Regulation (EC) No 829/2007	OJ L 191, 21.7.2007, p. 1–99	Commission Regulation (EC) No 829/2007 of 28 June 2007 amending Annexes I, II, VII, VIII, X and XI to Regulation (EC) No 1774/2002 of the European Parliament and of the Council as regards the placing on the market of certain animal by-products
Regulation (EC) No 245/2007	OJ L 73, 13.3.2007, p. 9–9	Commission Regulation (EC) No 245/2007 of 8 March 2007 amending and adapting Annex II to Regulation (EC) No 998/2003 of the European Parliament and of the Council as regards Bulgaria, Romania and Malaysia
Directive 1999/31/EC	OJ L 182, 16.7.1999, p. 1–19	Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste
Regulation (EC) No 282/2004	OJ L 49, 19.2.2004, p. 11–24	Commission Regulation (EC) No 282/2004 of 18 February 2004 introducing a document for the declaration of, and veterinary checks on, animals from third countries entering the Community
Decision 2001/812/EC	OJ L 306, 23.11.2001, p. 28–33	2001/812/EC: Commission Decision of 21 November 2001 laying down the requirements for the approval of border inspection posts responsible for veterinary checks on products introduced into the Community from third countries
Decision 2006/656/EC	OJ L 271, 30.9.2006, p. 71–80	2006/656/EC: Commission Decision of 20 September 2006 laying down the animal health conditions and certification requirements for imports of fish for ornamental purpose