

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

DG(SANCO)/1029/2000-MR Final

FINAL REPORT

OF A MISSION TO

SPAIN

FROM 03 TO 12 MAY 2000

CONCERNING BORDER INSPECTION POSTS

Please note that certain changes have been made to the draft report in response to comments from the Spanish Authorities. These have been included in the text of the report or as footnotes in bold, italic type.



26/09/00 - 47022

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Abbreviations and special terms:

Annex B:	Annex to Commission Decision 93/13/EEC used by the importer to notify consignments of products. The Annex B is completed by the official veterinarian.
Manifest:	List of consignments arriving in the port of airport of destination.
Decision on consignment:	decision on the consignment taken by the official veterinarian of the BIP as a result of the veterinary checks.
HC:	Products of animal origin, fit for human consumption.
NHC:	Products other than HC.
U:	Live animals, ungulates: cattle, pigs, sheep, goats, wild and domestic solipeds.
E:	Live animals, registered equidae as defined in Council Directive 90/426/EEC.
O:	Live animals, other animals.
BIP:	Border Inspection Post



1. INTRODUCTION

The mission to Spain took place from 3 May to 12 May 2000. The mission team comprised two inspectors from the Food and Veterinary Office (FVO). The mission was undertaken as part of the FVO's planned mission programme. During the mission, the inspection team was accompanied by representatives from the "Ministerio de Sanidad y Consumo-Subdireccion General de Sanidad Exterior y Veterinaria" (SE) and the "Ministerio de Agricultura, Pesca y Alimentacion-Subdireccion General de Sanidad Veterinaria" (SV).

An opening meeting was held on 3 May 2000 with representatives from SE, SV, and "Subdireccion General de Coordinacion de Servicios Perifericos de Ministerio de Administraciones Publicas" (MAP). At this meeting, the inspection team confirmed the objectives of, and itinerary for, the mission and additional information required for the satisfactory completion of the mission was requested. A closing meeting was held on 12 May with representatives from SE, SV and MAP. An opening meeting and closing meeting were also held at each border inspection post visited (except Tenerife).

2. AIM OF THE MISSION

Each year approved border inspection posts listed in the Annex of Commission Decision 97/778/EC¹ have to be inspected and in particular the infrastructure, equipment and working practices of the border inspection posts (BIPs). By way of derogation, the frequency of visits for certain approved border inspection posts might be reduced. However, such border inspection posts shall be visited at least every three years.

The mission was carried out in order to inspect 9 BIPs (see table in point 4).

3. LEGAL BASIS

The mission was carried out under the provisions of Community legislation and in particular:

- Council Directive 97/78/EC² of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries, and in particular Article 6 and 23;
- Council Directive 91/496/EEC³ of 15 July 1991 laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC, and in particular Article 6 and 19;
- Commission Decision 97/778/EC of 22 July 1997 drawing up a list of border inspection posts agreed for veterinary checks on products and animals from third

¹ OJ L 315, 19.11.1997, pp 15-27

² OJ L 24, 30.01.1998, pp 9-30

³ OJ L 268, 24.09.1991, pp 56-68



countries; laying down detailed rules concerning the checks to be carried out by the experts of the Commission and repealing Decision 96/742/EC;

- Council Directive 96/43/EC⁴ amending and consolidating Council Directive 85/73/EEC in order to ensure financing of veterinary inspections and controls on live animals and certain animal products and amending Directives 90/675/EEC and 91/496/EEC, and in particular Article 6 of Council Directive 85/73/EEC;

- Commission Decision 98/139/EC⁵ of 4 February 1998 laying down certain detailed rules concerning on-the-spot checks carried out in the veterinary field by Commission experts in the Member States.

4. BACKGROUND

Nine of the 37 approved BIPs in Spain were visited

Last visits of those BIPs were during 1996, 1997 and 1999. The table below gives an indication about the type and approval of each BIP visited, the number of consignments that arrived in 1999, the last visit and the number of the document in which the results of the last inspection to these nine BIPs are given.

BIP	Type	Approval ¹	Number of consignments in 1999	Last visit	Last report
Santa Cruz de Tenerife ²	Airport	HC, NHC, U, E, O	109	May 1997	XXIV/1513/97
Santa Cruz de Tenerife	Port	HC, NHC, U, E, O	1641	May 1997	XXIV/1513/97
Las Palmas de G Canaria ³	Airport	HC, NHC, O	1521	May 1997	XXIV/1513/97
Las Palmas de G Canaria	Port	HC, NHC, U, E, O	4791	May 1997	XXIV/1513/97
Sevilla	Airport	HC, NHC, O	14	March 1997	XXIV/1780/97
Sevilla	Port	HC, NHC	0	March 1997	PINS/EN/DIV/0101
Cadiz	Port	HC, NHC	1228	October 1996	PINS/EN/DIV/0101
Vitoria-Gasteiz	Airport	HC, NHC, U, E, O	2448	May 1997	VI/8074/96
Madrid	Airport	HC, NHC, U, E, O	11244	Febr. 1999	XXIV/1513/97

¹Based on list of approved Border Inspection Posts listed in Commission Decision 97/778/EC, lastly amended by Commission Decision 2000/126/EC of 31 January 2000 (OJ L36, 11.02.2000, pp 30-42).

² In future named Tenerife

³ In future named Las Palmas

5. OBSERVATIONS

5.1. Preliminary information

The inspection team requested information in advance of the mission from the Spanish central competent authorities. The information was provided in advance, other information at the opening meeting and during the mission, it is included in the report and in the working document.

⁴ OJ L 162, 01.07.1996, pp 1-13

⁵ OJ L 38, 12.02.1998, pp 10-13



5.2. General findings

In this chapter are presented general findings and general summaries related to the technical areas and further details, which are not mentioned in chapter 5.3.

5.2.1. Organisation of Veterinary administration

Two Ministries are responsible for the Border Inspection Posts as central competent authorities (SE and SV) and are therefore the responsible contact-points for the European Commission for these matters. One is the Ministry of Health and Consumer Protection in which the Subdivision of “Sanidad Exterior y *Veterinaria*” (SE) is responsible for issues concerning *veterinary* public health (inter alia the import of products *intended* for human consumption). The other one is the Ministry of Agriculture, Fishery and Nutrition in which the *Subdirectorato-General* of “Sanidad Veterinaria” (SV) is responsible for animal health issues (inter alia the import of products not *intended* for human consumption and of live animals). Additionally, there are 8 Region-Coordination, under the responsibility of SV, every one, of which is responsible for 2 – 4 BIPS in his region.

5.2.2. Legislation

Legislation was not completely transposed e.g. the Council Directive 96/43/EC concerning the financing of veterinary inspections and controls on live animals and certain animal products does still not cover the fees on NHC-products. There are in place national rules *which do not* correspond to the E.U. legislation, e.g. reduction *of the levels* of fees on Canarias Islands and *zoosanitary* measures *to control foot-and- mouth disease* for imports of certain products or live animals from *North Africa*.

There is still a mistake in the Spanish version of Council Directive 91/496/EEC, Art. 8, A, 1: “los controles veterinarios de las importaciones de animales de la especie mencionadas en el Anexo **B** de la Directiva 90/425/CEE ...” whereas in the other language versions is indicated the Annex **A** of the Council Directive 90/425/EEC.

5.2.3. Veterinary staff in the border inspection posts visited

Staff in the BIPs visited was in general well motivated.

In some BIPs, the veterinary staff could not fulfil all the tasks as there was a low number of veterinarians and/or auxiliaries available, an increased number of consignments (e.g. Cadiz, Vitoria-Gasteiz, Las Palmas airport) and additional tasks for the staff as export checks and checks of products of non-animal origin (in nearly all BIPs) (see table in point 5.3). In two BIPs (Las Palmas airport and port and Madrid) the



number of personnel was decreased respect the previous visit although the flow had increased.

Because of the high number of duties to be covered and the lack of personnel one Annex B was found which was signed by the technician and not by the official veterinarian (Vitoria-Gasteiz).

New veterinarians (12) are planned to be employed during this year, the procedures are in progress.

The State Secretary for the Public Administration during December 1999 has completed a study concerning the necessity of the BIP staff. The necessity to correct the deficiencies related to these aspects have been declared by the Government as priority.

5.2.4. Supervision of the border inspection posts

The competent central authorities do not always carry out systematic on-site inspections of the facilities, equipment and working procedures in the border inspection posts and no efficient follow up *of correction of* the deficiencies found during the last inspections by the FVO.

Especially for Madrid some deficiencies described in the last report were not corrected although regular inspections from the responsible Regional Authority were carried out and guarantees for the correction of the deficiencies were received by the FVO from the central competent authorities.

Nevertheless since the beginning of this year is foreseen a new plan to visit the BIPs according with the new resources of the personnel.

5.2.5. Training of the veterinary staff in the BIPs

At present there is a training programme in place for the veterinarians, auxiliaries and administrative staff in BIPs but the number of courses and their content is not completely adequate to guarantee a good standard for BIP activities. Not all staff is allowed, however, to attend these courses (e.g. for the Cadiz personnel the last one was held in 1994 and for Sevilla port in 1998).

5.2.6. Co-operation with different authorities

- Co-operation with customs authorities:
Although a strict control from the customs authorities (and Guardia Civil) on the imports procedures seems to be in place, there is no *total* supervision set up by the *official* veterinarians of the systems where customs takes active part in selection and identification of consignments.
- The co-operation with the local authorities as port and airport authorities is not always so close that the correct supervision and the knowledge of the import activities is guaranteed.



5.2.7. Facilities

There are in most of the BIPs more or less newly built facilities available, however they have not changed much since previous missions. If improvements or changes to the facilities *visited during this mission* have taken place the Commission was not informed about the improvements and changes made. Nevertheless deficiencies were found concerning the re-arrangement of inspection facilities after previous visits (Las Palmas Airport). The lay out of the facilities in Cadiz did not meet the requirements taking into account the increasing number of consignments (>500 *each year*) (see table in point 5.3).

The “enlargement” (PER 4) *at Madrid airport*, exclusively for *refrigerated* products, which is located some meters away *from the authorised inspection centres* and which was *visited and* discussed during the last visit is working as inspection centre, although it is not *officially* approved by the competent *central* authority and it was still under construction work. There was no office, no changing room and no toilets available. There was no separated storage room available for the products detained by the BIP.

5.2.8. Facilities outside the BIP but used for the BIP

The consignments which do not fulfil the import conditions are destroyed or treated in establishments approved under the provisions of Council Directive 90/667/EEC⁶ but for most of the BIPs it was said that there were different establishments in use which were in different distances from the BIP.

5.2.9. Equipment

In general the administrative equipment was available in the main offices except the ANIMO-system, which was not present in any of the BIPs visited. In the offices of the inspection centres the administrative equipment was sometimes incomplete (e.g. no fax, no phone) or not in place (e.g. Tenerife port, Las Palmas port and Sevilla airport)

Equipment for the checks of HC-products was in general in place, in some inspection rooms of the BIPs there was part of the equipment missing (e.g. pH-meter, fridge, and freezer).

Equipment for the checks of NHC-products was in most of the inspection rooms incomplete (e.g. knives, saw, thawing equipment, drill) and in some of the inspection rooms not in place (e.g. Madrid, Tenerife airport, Las Palmas airport and port).

Equipment for the checks of live animals was in most of the inspection rooms of the BIPs visited not in place (e.g. Las Palmas port, Sevilla

⁶ OJ L 363, 27.12.1990, pp 51-60



airport, Vitoria-Gasteiz, Madrid) or incomplete (e.g. no equipment for catching the animals, no medicaments, no captive bolt).

There was no housing equipment for the animals received in the housing room of Tenerife South, Tenerife port, Las Palmas airport and Sevilla airport.

5.2.10. Hygiene

Maintenance and cleaning of facilities and equipment was not always adequate (see table in point 5.3).

Hygienic equipment as hot water, soap and disinfecting fluid dispenser and single use towels were not always present in the inspection rooms, even if it was noted as deficiency in the previous report (e.g. Madrid).

5.2.11. Documentation

Documentation improved as it was in general available and updated in the main offices of the BIPs and some of them have even Internet-access (e.g. Madrid, Vitoria-Gasteiz). However in some BIPs, some documentation was not available e.g. in Cadiz (the list of approved BIPs *from Norway and Iceland according to* the Joint Agreement with *the EEA*) and in Vitoria-Gasteiz (updated list of third countries *authorised to import milk and diary products*).

In some Inspection Centres the basic documentation was not in place, e.g. Sevilla airport for SV, Las Palmas port for SV.

5.2.12. Registration

A computerised register system exists for SE, meanwhile SISAEX II, which was adapted in relation to the deficiencies of the last visit and which contains all relevant data.

SV: there were no computerised register kept (except Madrid), and the written ones always incomplete in all the BIPs.

5.2.13. Identification and selection of the consignments

In each BIP exists an individual system to identify and select the consignments. Some improvement is noted since the last visits, for example manifests are now available in nearly all BIPs (except in Cadiz especially not the ferry manifests) but the manifests are provided basically by the handling agents and not by an official authority. In most of the BIPs there are no crosschecks carried out between the manifests and the notifications (except Las Palmas port and Cadiz).

In some cases examples were found that consignments left the BIP without necessary veterinary check e.g. one import of fish from Chile in



Madrid⁷, consignments of live animals in Las Palmas airport and Tenerife airport.

Customs receive the positive list with the products and animals to be checked by the veterinarians, but in most of the BIPs the veterinarians do not work in close co-operation with the customs services to have an overview on the incoming or outgoing consignments. The customs uses the TARIC-Code list, in which the TARIC-Codes *of products and animal subjected to veterinary inspection* are marked, with “Sanit” for SE (HC) and with “Veter” for SV (NHC and animals). However, the updated positive list of SV does not contain the TARIC-Code numbers 3502 20.10 and 3502 90.20 (technical *milk protein*).

5.2.14. Procedures

5.2.14.1. Notification of consignments

In most of the BIPs visited there was no pre-notification. Delays of the notification of the consignments were accepted (up to 15 days after the arrival). The Annex B is forwarded to the veterinarians, in many cases it was found that the first part had not been completely filled in by the importer.

The customs destination was often filled in wrongly as a place and not as a customs procedure. In Tenerife and Las Palmas on the first part of the Annex B was mentioned as customs destination ”para consumo en Canaria” which is not foreseen by the article 2, letter I), of the Council Directive 97/78/EC.

The Border Crossing Certificates and Annexes B were not always completely filled in, eg. no name of the BIP, no ANIMO-Code of the BIP, no ANIMO-Code of the animals, no number of transport means,

The definition of consignment *is* not always respected. *For example at the Madrid BIP one Annex B was found covering three health certificates of origin, whereas there should have been three Annexes B.*

5.2.14.2. Documentary check

The mission team noted that:

- Annexes B that were not completely filled in or with data that were not always in accordance with the data on health certificates;
- health certificates in copy *instead of originals*;
- incomplete captains declarations;
- Annex B with tipped-exed changes;
- health certificates in several pages;

⁷ *In their comments dated on 28 August 2000 the Spanish authorities state that due to an error the Annex B for this consignment bore no trace of the veterinary inspection carried out.*



- health certificates for HC-products although the products were NHC;
- health certificates not in accordance with the requirements of Commission Decisions;
- two different Health certificates for one consignment;
- incomplete or wrong information on health certificates;
- certificates written with different colours of the pen and different hand writing, were accepted.

In the cases where deficiencies in checks were discovered, corrective action was not always taken following the documentary check.

5.2.14.3. Identity checks

The identity checks were not always properly carried out for example:

In some case there was noticed a weight difference between what was declared in the Annex B and in the health certificate. In one case there was no correspondence between the declared temperature status on the certificate and the Annex B (Cadiz). In one case was found a difference between the number of the animals declared on the health certificate and on the Border Crossing Certificate (Vitoria).

In some cases the checks were carried out at the place of destination (e.g. Tenerife and Las Palmas) or in the open area for SV (e.g. Las Palmas port).

In the cases where deficiencies in checks were discovered, corrective action was not always taken following the identity check.

5.2.14.4. Physical checks

The frequency of physical checks was in general not reduced for harmonised products, even though SISAEX II is in place, which foresees an unpredictable system to select the consignments to be checked with reduced frequency. In Madrid the frequency of *physical* checks *by SE* was reduced but *it was found that this* also *affected products from* non-harmonised *countries*.

Physical checks in Tenerife and Las Palmas were carried out at the place of destination for live animals.

Physical checks for NHC-products were done in the open air in Las Palmas port.

5.2.14.5. Sampling procedure for laboratory testing

In one BIP no laboratory checks were carried out for HC-products (Las Palmas Airport). In one BIP no laboratory tests were carried out on HNC-products since 1997 (Tenerife port).

Blood samples for Ungulates and Equidae were not always taken, (e.g. in Madrid in 1997, 1998 and 1999, Tenerife airport and in Vitoria-Gasteiz),



5.2.14.6. Decision on the consignment

A number of deficiencies were found in the completion of Annexes B and Border Crossing Certificates. The main findings were:

- the unused option in point 13 of the Border Crossing Certificate was often not invalidated: e.g. for harmonised (e.g. bovines, equidae) point 13 b) or for non-harmonised (e.g. ornamental fish) live animals point 13 a).
- the Border Crossing Certificate still refers in Point 13 c) to Council Directive 77/489/EEC⁸, which is in fact replaced by Council Directive 91/628/EC⁹(except in Madrid). The veterinarian did not always correct this reference as it is advised by the Spanish Authorities.
- the remark for the 10-days-validity on the Annex B of SV is not always invalidated.
- the unused options on the Annex B were not always properly invalidated.
- the official veterinarian did not mention the registration number of the customs document on the Annex B whilst the consignment remained under customs control.
- for non harmonised animals in transshipment double checks were carried out although they were done in the first BIP (e.g. Tenerife port and Las Palmas).
- no references to the Annex B mother were recorded on the Annex B daughter.
- the copy of the health certificate which follows the consignment was not always authenticated.
- in case of problems with the documentary checks the consignment was released waiting the health (new or missed) certificate.
- partial rejection of the consignment was allowed.
- in case of rejection the health certificate was not always invalidated.
- the veterinary checks *conducted* were not always marked *correctly on the Annex B*.
- not always mention of *ongoing* laboratory test on the Annex B.

The Annex B is issued in 4 copies but two of these are stored in the BIP office.

One Annex B was found signed by the technician and not by the official veterinarian.

In case of direct landing of fresh fish and for small consignments (1 kg) Annexes B were issued.

Live animals were allowed to leave to the place of destination although a Border Crossing Certificate was not issued pending the results of the laboratory test.

⁸ OJ L 200, 08.08.1977, p. 10

⁹ OJ L 340, 11.12.1991, p. 17-27



One consignments was still waiting a veterinary decision after the 60 days period.

5.2.14.7. ANIMO

Because of the lack of the ANIMO-system, no ANIMO messages were sent for live animals, for channelled products, for results of laboratory tests, for re-importation or for non-EU-conform consignments to the BIP of exit.

SV changed ANIMO-2000 system into a different user-surface, but it is not possible to receive data on the movement of products or live animals from third countries. The ANIMO-system is available at the main server, in SV, but due to the lack of the special software in the BIPs (Internet-Explorer), it is not possible to run there.

5.2.15. Animal welfare

Animal welfare aspects were not checked and followed up accordingly to EC-legislation: route plans were not always requested, transporter declarations were not presented to the BIPs.

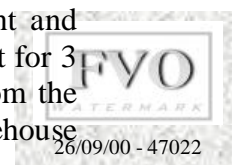
5.2.16. Free and Customs warehouses

There is a list of warehouses approved for veterinary products but not all of them are receiving veterinary products in general or have the facilities necessary to store them e.g. storage rooms at chilled and frozen temperature or they do not receive Non-EU-conform products of animal origin.

One free warehouse was visited in Sevilla but there were no consignments of animal origin stored and no cold store facilities present, although the warehouse was approved under Article 12-procedure of Directive 97/78/EC.

In an EU-approved and customs approved warehouse in Tenerife port consignments were stored in a freezer store, which were without labels and health marks, coming from Japan. One box with fish from China was without any labels or health marks. Further investigations could not be undertaken due to lack of time. Fish was not packed and partly stored on wooden pallets. Boxes were open and parts of the content were removed. Some of the boxes were damaged.

In Las Palmas de Gran Canaria port Annexes B of fishery products (coming from Cape Verde or partly from non EU-approved establishments in Japan) were declared as animal feed stuff to the BIP but with a TARIC-Code number for HC-fish to the customs. They were issued for animal feed stuff (*bait*) as an EU-conform consignment and destined to a customs warehouse. The inspection team was told that for 3 consignments customs documents were issued for the dispatch from the warehouse without issuing an Annex B. The customs warehouse



concerned could not be visited due to the opening hours to verify the final destination of the consignments. On the spot and during the final meeting the Competent Authorities were asked for further clarification but no additional information was received.

In Madrid in a stock list of a free warehouse there were consignments with game trophies recorded, however the stock list was incomplete, as there were no third country of origin and no address of the consignee recorded. In the BIP the related Annex B were issued for importation of the products without reference to the customs procedure or customs document numbers. Due to the opening hours of the free warehouse, it was not possible to visit it for further verification.

5.2.17. Transit and transshipment

Ornamental fish coming as transshipment from other BIPs was checked again fully, even if the consignments were accompanied by an issued Border Crossing Certificate (Las Palmas Airport and Tenerife Airport).

There was no notification to the BIP of exit for consignments in transit to other third countries. A system to check the exit was in most BIPs not established.

For a transshipment procedure two Annexes B were accepted for the same consignment (Sevilla).

5.2.18. Kitchen waste

Although *there is a system in place at the BIPs* to check the destruction of the products intended for consumption by crew and passengers, on board means of transport operating internationally and their waste, as requested in the Annex of Commission Decision 92/525/EEC¹⁰, the official veterinarians at the border inspection posts visited have no information about the list of the results of this checks.

5.2.19. Fees

For HC-products and for live animals Council Directive 96/43/EC concerning the inspection fees is implemented, but as already mentioned in the last two reports no inspection fees are collected for NHC-products.

For one meat consignment (12.157 kg) in Tenerife port 2.523 Pesetas were collected, which is below the minimum fee required by the legislation. According with the national law “Ley 13/1996, de 30 de diciembre, de Medidas Fiscales, Administrativas y del Orden Social” there is a reduction of 75% of the fees to be collected, applicable on consignments imported on Canarias Islands.

¹⁰ OJ L 331, 17.11.1992, pp 16 - 18



Double fees were collected in case of transshipment of live animals, although the Border Crossing Certificate was issued in the first BIP of entry (e.g. Tenerife and Las Palmas).

5.3. Main findings for each BIP

Major findings for each BIP are reflected in the tables below, whereas minor findings are in the general part above.

5.3.1. Santa Cruz de Tenerife airport

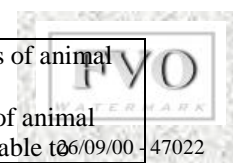
Veterinary staff	SE: one veterinarian, one technician and one administrative for import checks of about 1.700 consignments of animal origin and related tasks, for 2 inspection centres and Tenerife port. SV: one veterinarian for import checks of about 170 consignments of animal origin and live animals and related tasks, for 3 inspection centres and Tenerife port. <i>SE+SV: the veterinary staff is also responsible for the import checks of products of non-animal origin and for export checks.</i>
Facilities	Three inspection centres: 1 in airport Tenerife north and 2 in airport Tenerife south, <i>the two airports are some 70 km apart</i> and situated in two different customs areas. Each main office for SE and SV concerning port and airport is located in Santa Cruz. T. South: Live animals: no inspection room for ungulates and equidae, no storage for feeding-stuff (already mentioned in report VI/8074/96-EN), no changing room. Products: no ambient temperature storage for products, no changing room. T. North: same facilities of the last visit. No ambient temperature storage for products, no changing room, no toilets, chilled storage room not solely for BIP purpose used (shared with phyto sanitary and intra community trade).
Hygiene	Not guaranteed for HC, NHC products and live animals in relation to the missing facilities and equipment; existing facilities are used for other purposes. The unloading area is an open space without dock shelter and shared with other activities. Hygienic necessities not always available. Minor deficiencies in maintenance (broken wall in housing room live animals).
Documentation	In the two airports offices there was no documentation in place for SV. <i>For SE there was in place only basic legislation in the two Airports offices.</i>
Registration	In the two airports offices there were no registers in place for SV and SE.
Procedure	Takes place in the above mentioned main offices: Deficiencies for notification, for documentary, physical checks and veterinary decision for both services.

5.3.2. Santa Cruz de Tenerife port

Veterinary staff	See Tenerife airport.
Facilities	SE: no chilled and no ambient temperature storage room for HC, frozen storage room used for other purposes (intra community trade). SV: no storage rooms at chilled and frozen temperature.
Hygiene	Not satisfactory: facilities are not used as foreseen and other facilities are not in place. Hygienic necessities not always available. Deficiencies in maintenance (leaks of water, cracks on floor).
Procedure	See Tenerife airport.

5.3.3. Las Palmas de Gran Canaria airport

Veterinary staff	SE: 1 veterinarian is responsible for import checks of about 1.400 consignments of animal origin. SV: 1 veterinarian is responsible for import checks of about 100 consignments of animal origin for port and airport. There are no other administrative or auxiliaries available to
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	support the veterinarian. SE+SV: the veterinary staff is also responsible for the import checks of products of non-animal origin and for export checks
Facilities	SE: no changing room, no toilets for the veterinary staff, no storage room for HC products at ambient temperature; SV: no inspection room for products, no storage rooms at chilled and frozen temperature (changed in relation to the last visit), no changing room, no toilets.
Equipment	Administrative equipment incomplete at inspection centre for SV, technical equipment not in the inspection room of live animals.
Hygiene	Not satisfactory due to the lack of facilities and the equipment. The unloading area is an open space without dock shelter and shared with other activities. Hygienic necessities not always available. Deficiencies in maintenance and cleaning.
Procedure	See Las Palmas de Gran Canaria port.

5.3.4. Las Palmas de Gran Canaria port

Facilities	Each main office for SE and SV concerning port and airport is located in Las Palmas. Products: no chilled storage rooms for HC- and NHC-products, no changing room. New inspection room for NHC-products is in place shortly, however the veterinary checks are still carried out in the open air (since 1997) or at the final destination. Live animals: new facilities in place, but no proper unloading facilities in place, no changing room.
Equipment	SV: no technical equipment and administrative equipment was in place. There was no housing equipment in place for other animals.
Documentation	SV: no documentation was in place in the inspection centres.
Hygiene	Not satisfactory due to the missing facilities, the equipment not in place in the hygienic sluice between HC- and NHC-products (as requested with letter DGXXIV/D20960 of 16.06.98) and due to the equipment not in place in the facility for live animals.
Procedure	Notification up to 2 – 3 days after arrival, data not complete deficiencies in documentary, identity, physical checks and veterinary decision for both services.

5.3.5. Sevilla airport

Facilities	SE: no storage room at ambient temperature for products, no changing room, toilets shared with private company.
Equipment	Administrative equipment incomplete at inspection centre, technical equipment not in the inspection room for live animals, no housing equipment for other animals in place.
Documentation	SV+SE: no legislation was in place in the airport, but for the SE there is the possibility to have it via Internet.
Hygiene	Not satisfactory: the unloading area is an open space without dock shelter and shared with other activities. Maintenance (no light in cold stores, some damages in wall) and cleaning (live animals: walls not easily to clean and disinfect) were not satisfactory. Hygienic equipment incomplete.

5.3.6. Sevilla port

Facilities	No storage room for products at chilled and ambient temperature, no changing room, usage of toilets not clear.
Hygiene	Maintenance and cleaning of facilities is not satisfactory. Hygienic equipment incomplete.
Procedure	No evaluation possible since there were no imports since 1997.

5.3.7. Cadiz port

Facilities	No ambient temperature storage rooms for HC- and for NHC-products, no chilled storage room for NHC. The chilled storage room for HC products is shared with other products of non animal origin and it is connected directly with the chilled unloading room for
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	NHC products. No frozen storage room for NHC, inspection room for NHC is shared with products of non animal origin, no changing room, toilets shared with public.
Hygiene	Not satisfactory due to lack of facilities and deficiencies in cleaning and maintenance.
Procedure	No pre-notification or notification one day after arrival, deficiencies in documentary checks, identity checks, physical checks and veterinary decision.

5.3.8. Vitoria-Gasteiz airport

Veterinary staff	SE: the number of veterinarians (2 of which 1 is temporary absent) related to the number of consignments (ca.2.500), their volume, their night arrivals, the other tasks (exports and checks on products of not animal origin) is not sufficient.
Facilities	SE: no storage facility at ambient temperature, no changing room. SV: no storage facility at ambient temperature for products. For live animals no unloading area for other animals.
Hygiene	Not satisfactory due to the facilities not in place, bad cleaning and deficiencies in maintenance. The unloading area is an open space without dock shelter and shared with other activities.
Procedure	No pre-notification for products, notifications incomplete filled in, deficiencies in documentary checks, physical checks, laboratory tests and concerning the veterinary decision.

5.3.9. Madrid airport

Veterinary staff	SV: the number of the veterinarians is decreased in despite of the increased number of consignments. SE+SV: the veterinary staff is also responsible for the import checks of products of non-animal origin and for export checks (ca. 4.000 consignments for SE and 2.000 for SV).
Facilities	Inspection centre 1: SV: no storage room at frozen temperature for NHC-products, no office, no changing room.
Equipment	SE: technical equipment incomplete. SV: nearly no equipment in all inspection rooms (no change to last report).
Hygiene	Inspection centre 1: existing facilities are used also for other purposes (NHC-ambient storage used also for intra-community trade and export). Deficiencies in maintenance: damages on the wall in the HC frozen room, NHC-ambient storage, in the inspection room for live animals the wooden door are still untreated and still in place some damages in the walls. The watering and feeding facilities for large animals and the cages for small animals were dirty. No hot water available in the inspection rooms for live animals. on centre 2: The HC-chilled storage, HC-frozen storage and NHC-chilled storage are used also for other purposes Some damages in the premises of these storage rooms (cracks on the floor, exposed wooden parts). The van for the transport of large animals was not cleaned and had damages and exposed wooden parts. not satisfactory for both inspection centres as the unloading areas were open spaces without dock shelters and shared with other activities.
Procedure	SE+SV: in general there was no pre-notification for products received. Deficiencies in documentary checks, identity checks, laboratory tests and concerning the veterinary decision.

6. CONCLUSIONS

6.1. General findings

Absence of regular system for the supervision of the facilities, equipment and working procedures in the BIPs by SE+SV. The Competent **Central FVO** Authorities are not always aware of the changes in the lay out of the Spanish BIPs after their approval.



The mistakes in the Spanish version of Directive 91/496/EEC are still in place.

The co-operation between the various services (customs, port and airport authority) was not completely ensured.

The Competent Authorities can not completely ensure that the veterinary checks on products and live animals from third countries are carried out in accordance with Council Directive 97/78/EC and 91/496/EEC.

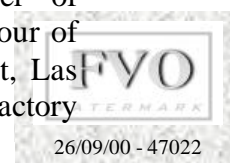
The following table presents the conclusions for each BIP, eg. indicating major, minor non-compliances or compliance with the EU-legislation related to the different technical areas:

Border Inspection Post	Number of Staff	Training of Staff	Facilities		Equipment	Hygiene	Documentation	Registration	Identification/ Selection	Procedures
			P	LA						
Santa Cruz de Tenerife airport	M	m	M	M	m	M	M	M	m	M
Santa Cruz de Tenerife port	M	m	M	m	m	M	m	m	m	M
Las Palmas de Gran Canaria airport	M	m	M	m	M	m	M	M	m	M
Las Palmas de Gran Canaria port	C	m	M	m	M	M	M	m	m	M
Sevilla airport	C	m	M	m	M	M	M	m	m	m
Sevilla port	C	m	M	-	m	M	m	m	m	-
Cadiz port	C	m	M	-	m	M	m	m	m	M
Vitoria-Gasteiz airport	M	m	M	m	m	M	m	m	m	M
Madrid airport	M	m	M	m	M	M	C	m	m	M

M = Major non-compliance
m = minor non-compliance
C = Compliance
- = not applicable
/ = not checked
P= Products
LA= Live animals

6.2. Veterinary staff

The number of veterinary staff with regard to the number of consignments to be checked and the related tasks is sufficient in four of the BIPs but insufficient in the BIPs of Tenerife port and airport, Las Palmas airport, Vitoria-Gasteiz airport and Madrid airport. Satisfactory application of EU legislation cannot be ensured in these BIPs.



There is no adequate *ongoing* training for staff in place in most of the BIPs in relation to the veterinary checks and the administrative procedures. The co-operation and the exchange of information with customs and other authorities, e.g. the port and airport authority, as foreseen in the Annex of Commission Decision 92/525/EEC were not sufficient.

6.3. Facilities

The situation in the Spanish border inspection posts visited has slightly changed since the last visits.

For the BIPs visited, not all the necessary facilities for inspection and storage of products or the inspection and housing of live animals were available or they are not being utilised as they were originally allocated. The facilities in these BIPs therefore are not always in accordance with the requirements for the clearance of products laid down in Article 6 and Annex II of Directive 97/78/EC and Annex of Commission Decision 92/525/EEC or with the requirements for the control of live animals laid down in Article 6 and Annex A of Directive 91/496/EEC. The Commission was not informed however about the changes which have been made, which is not in accordance with Article 3 of Commission Decision 92/525/EEC.

The two airports Tenerife North and South must be approved separately as two BIPs according with article 6 of the Council Directive 97/78/EC in consideration of their different designed customs areas and due to the long distance between their facilities (>70 km).

6.4. Facilities outside the BIP but used for the BIP

Each BIP uses different establishments, approved under the provisions of Council Directive 90/667/EEC, for the destruction or *processing* of the consignments that do not fulfil the import requirements and not *always* the nearest as foreseen in Article 17 of Council Directive 97/78/EC.

6.5. Equipment

Administrative equipment was not complete in some BIPs. The software ANIMO was not in place anywhere and thus not in accordance with the requirements lay down in Annex of Commission Decision 92/525/EEC.

SE: Technical equipment was not complete in the inspection rooms in most of the BIPs and thus not in accordance with the Annex of Commission Decision 92/525/EEC.

SV: in all inspection rooms was still nearly no equipment present, although it was already a deficiency mentioned in the last report (e.g. Madrid airport), which is not in accordance with the Annex of Commission Decision 92/525/EEC.



6.6. Hygiene

Due to the lack of technical equipment on the spot, bad maintenance and cleaning of the facilities, the use of some facilities for other purposes and the lack of others or part of the facilities, the hygiene standard could not always meet the requirements laid down in Annex II of Council Directive 97/78/EC, in the Annex of Commission Decision 92/525/EEC and in Annex A to Council Directive 91/496/EEC.

6.7. Documentation

The documentation was in most of the BIPs nearly complete, but not enough to be in accordance with the Annex of Commission Decision 92/525/EEC.

6.8. Registration

The standard data requirements requested in European Legislation (Commission Decisions 97/152/EC¹¹, 97/394/EC¹² and 97/794/EC¹³) are not being fully complied with for the part of SV. As a consequence, the system for registration is not easy to handle. This also has implications for an easier traceability and monitoring of consignments and the rapid exchange of information.

6.9. Identification and selection of consignments

The official veterinarians in the BIPs visited do not always have a complete overview of which consignments are arriving, have arrived or are in transit or transshipment procedure in their posts.

A system to identify and select consignments has been put in place by the official veterinarians in nearly all BIPs, however, the system is not complete or supervised by the official veterinarians of the BIPs partly because of the lack of personnel.

The positive list of the customs selection system was incomplete.

6.10. Procedures

- In most of the BIPs notification of consignments of products were not received as requested in Article 3 of Council Directive 97/78/EC and Article 1 of Commission Decision 93/13/EEC¹⁴).
- In some cases the notification of consignments of live animals was not received as requested in Article 3 of Council Directive 91/496/EEC.

¹¹ OJ L 59, 28.02.1997, pp 50 - 52

¹² OJ L 164, 21.06.1997, pp 42 - 43

¹³ OJ L 323, 26.11.1997, pp 31 - 36

¹⁴ OJ L 9, 15.1.1993, pp 33-41



- Definition of consignment was not always applied for products in accordance with Article 2 of Council Directive 97/78/EC and for live animals with Article 2 of Council Directive 91/496/EEC.
- Documentary checks were not always carried out in accordance with the requirements for products laid down in Articles 4 and 7 of Council Directive 97/78/EC and Article 1 and Annex A of Commission Decision 93/13/EEC and for live animals in Article 4 of Council Directive 91/496/EEC and Annex I of Commission Decision 97/794/EC.
- Identity checks were not always carried out properly which is not in accordance with the requirements for products laid down in Articles 4, 7 and 11 of Council Directive 97/78/EC. In case the consignments in the warehouses visited without any health marks or labels or name of the country of origin their traceability and allowed provenience is not assured.
- In the cases where deficiencies were detected during the documentary or identity checks, no corrective action was taken or the follow up was missing.
- The frequency of physical checks for harmonised products was not always reduced, which is not in accordance with the requirements laid down in Article 10 of Council Directive 97/78/EC and Article 1 of Commission Decision 94/360/EC¹⁵.
- Physical checks for live animals were carried out in some cases at the place of destination which is not in accordance with Article 4 and 8 of Council Directive 91/496/EEC.
- Physical checks for products were carried out in some cases in the open area *rather than inside the facilities (inspection room)*, which is not in accordance with Article 4 of Council Directive 97/78/EC.
- Concerning laboratory tests on live biungulate animals and equidae, collection of samples is not included or the frequency is less than laid down in the requirements laid down in Article 4 of Commission Decision 97/794/EC.
- Concerning laboratory tests on products, collection of samples is not *always carried out* in accordance with Annex III of Council Directive 97/78/EC
- Due to the lack of information to be sent by ANIMO to the place of destination in accordance with the requirements laid down in Article 8.1 and 8.4 of Council Directive 97/78/EC, it cannot be ensured that appropriate action is taken on consignments that may pose a risk to human health or animal health within the time-scale of their likely consumption.

¹⁵ OJ L 158, 25.06.1994, pp 41 - 45



- Due to the lack of information to be sent by ANIMO to the BIPs of exit on consignments sent to third countries in transit on the territory of the EU from the border inspection post of introduction, in accordance with the requirements laid down in Article 11.2 of Council Directive 97/78/EC, there is no evidence that these consignments left the Community.
- Due to the lack of information to be sent by ANIMO to the place of destination about movements of consignments of products that may pose a risk to human health or animal health (place of destination, place of exit), the system ANIMO cannot function properly as an alert system for products of animal origin within the European Union.
- The Annex B and the Border Crossing Certificate, which are official veterinary certificates, are not always completed and signed in accordance with Council Directives 97/78/EC, 91/496/EEC and 96/93/EC¹⁶, or not always issued in accordance with the articles 1 and 3 of the Commission Decision 93/13/EEC.
- The model of the Border Crossing Certificate laid down in Commission Decision 92/527/EEC¹⁷ is not up dated as it still refers in point 13.c) to Council Directive 77/489/EEC.
- In most of the BIPs there is no veterinary system set up to check the exit of non-EU-conform consignments of products to their final destination. This is therefore not in accordance with the requirements laid down in Article 11.2 of Council Directive 97/78/EC and in Commission Decision 2000/208/EC¹⁸.
- Authenticated copies of the original certificates did not always accompany the consignments in accordance with Article 7.4 of Council Directive 97/78/EC and Article 7 of Council Directive 91/496/EEC.

6.11. Animal welfare

The documentation following the consignment concerning the animal welfare aspects was not fully in accordance with the requirements laid down in Council Directive 95/29/EC¹⁹.

6.12. Free and custom warehouses

The list of the warehouses approved for veterinary products was not updated. Most of the warehouses already approved had not the basic conditions laid down in the Article 12 of Council Directive 97/78/EC however they were not receiving any consignments not fulfilling E.U.

¹⁶ OJ L 13, 16.01.1997, pp 28-30

¹⁷ OJ L 332, 18.11.1992, pp 22-24

¹⁸ OJ L 64, 18.03.2000, pp 20-21

¹⁹ OJ L 148, 30.06.1995, pp 52-63



6.13. Transit and transshipment

The veterinarians are not completely aware of the consignments arriving under transit and transshipment procedure and of the requirements of the necessary checks foreseen in Articles 9 and 11 of Council Directive 97/78/EC. Although a Border Crossing Certificate was fully issued by the first BIP of entry a second Border Crossing Certificate was issued which is not in accordance with Article 7 of the Council Directive 91/496/EEC.

6.14. Kitchen waste

Although arrangements are in place for the destruction of products intended for consumption by crew and passengers, on board means of transport operating internationally, the official veterinarians in the BIP do not have evidence that these arrangements are upheld as they do not have any records on the checks of the destruction of kitchen waste as foreseen in Point 6 j) of the Annex of the Commission Decision 92/525/EEC.

6.15. Fees

Inspection fees are not collected in accordance with the requirements laid down in Council Directive 96/43/EC for NHC-products. In the Canarias Islands is applied a reduction of collection of fees which is not in accordance with Council Directive 96/43/EC.

7. CLOSING MEETING

A final meeting was held on 12 May 2000 with representatives from SE, SV, and MAP. At this meeting, the main findings and conclusions of the mission were presented by the inspection team. A closing meeting was also held in each border inspection post visited except in Tenerife due to the lack of time. The representatives offered the following comments upon these findings and conclusions: in general the findings and conclusions were agreed.

Further information on the final destination of consignments which have left the customs warehouses without annexes B (Las Palmas) were requested from the competent central authority during the closing meeting. Investigation was announced but no information was received.

The main comments made by the Spanish authorities, are summarised below:

General guarantees were given by MAP about the possibility to correct as soon as possible the problem related to the lack of staff. Highest priority was also given to solve the deficiencies concerning the technical resources which actually do not permit the functioning of the ANIMO-system.



The procedure to revise the approval of the warehouses according with the requirements of the Council Directive 97/78/EC is in progress, the revised list will be sent to the Commission.

All problems mentioned in the report will be solved with the port and port authorities and the MAP.

Co-operation with customs authorities will be improved and discussed between the authorities involved, especially concerning the positive list.

Training of the BIP staff will be discussed with the different authorities involved and some financial resources will be also invested for this proposal.

Concerning the animal welfare rules on the means of transport coming from third countries, the competent Authority agreed to carry out the checks on the transport declaration but not the checks on the route plans.

8. RECOMMENDATIONS

8.1. To Spain

It is recommended that the Competent Authorities in Spain:

8.1.1. Provide a response within one month of receipt of the translated final report, giving details of the actions, taken and planned to address the deficiencies relating to the facilities (construction only) referred to in this report; along with a timetable for completion of these actions.

- All deficiencies related to the construction of the facilities should be corrected within six months of receipt of the translated final report and in particular for:

- Las Palmas port, Cadiz, Madrid, Sevilla port and airport the facilities for products,
- Tenerife airport, Las Palmas airport, Tenerife port, Vitoria-Gasteiz the facilities for products and live animals,

8.1.2. Provide a response within one month of receipt of the translated final report, giving details of the actions, taken and planned to address the other deficiencies referred to in this report (general findings, BIP staff, hygiene, procedure, equipment, documentation, registration, facilities outside the BIP, transit and transshipment, kitchen waste, animal welfare, identification and selection and fees) along with a timetable for completion of these actions. In any event all deficiencies should be corrected within 3 months of receipt of the translated final report and in particular:

- Veterinary staff:



Shortage of staff in BIPs Tenerife airport and port, Las Palmas airport, Vitoria-Gasteiz airport and Madrid airport.

Staff should be given the possibility of adequate training in particular in relation to the import procedures, systems for identification and selection of consignments, hygiene and administrative aspects.

- Hygiene:

Hygiene and maintenance must be improved in all BIPs.

- Procedures:

Systems containing information on incoming and outgoing consignments must be improved in the BIPs, in order to guarantee that all consignments from third countries arriving in the BIPs are under the supervision of the official veterinarians and are checked in accordance with the import requirements to this and the official veterinarian must have full access to these systems.

Equally systems must be improved or set up in order to guarantee that all non-EU conform consignments leave the BIPs to third countries or to ship supply.

To consider to set up a control-system in order to ensure that veterinary checks on consignments of live animals and products are carried out in accordance with the requirements laid down in Directive 97/78/EC and Directive 91/496/EEC and related Decisions.

- For Madrid airport:

The new inspection centre (PER4), not yet completed, can not be used to carry out the checks on products coming from third countries before the receipt of an official approval by the competent authority.

- For Tenerife airport:

The two airports Tenerife North and South must be approved separately by European Commission as two BIPs according with article 6 of the Council Directive 97/78/EC (two different designed customs areas) and because also to the big distance between them (>70 km).

8.2. To the Commission

It is recommended that the Commission Services:

- 8.2.1. Consider withdrawal of the approval of the border inspection posts mentioned under 8.1.1. if satisfactory guarantees in relation



to the approval (type of category) are not provided within the relevant time limit by the Spanish Authorities.

- 8.2.2. Consider limiting the approval for the airports of Tenerife, Las Palmas, Sevilla, Vitoria-Gasteiz and Madrid to packed products only.
- 8.2.3. Consider evaluating the ANIMO-system set up by the Spanish Authority in relation to the information provided by the ANIMO-system set up by the Commission.
- 8.2.4. Consider approving the BIP Tenerife airport in two separate BIPs, Tenerife airport north and Tenerife airport south, if satisfactory guarantees are received from the Spanish Authorities.
- 8.2.5. Consider evaluating the transposition *into Spanish law* of Council Directive 96/43/EC amending and consolidating Council Directive 85/73/EEC into Spanish law, especially in relation to fees *for import checks on* NHC-products and *the reduction of import fees on HC products* in Canarias Islands.
- 8.2.6. Consider evaluating the transposition of Council Directive 91/628/EC into Spanish law in relation to the route plans for live animals coming from third countries.
- 8.2.7. Consider correcting the translation mistake in the Spanish version of Council Directive 91/496/EC.
- 8.2.8. Consider a follow up mission to free and customs warehouses to evaluate the warehouse procedures.
- 8.2.9. Consider reviewing the model of the Border Crossing Certificate laid down in Commission Decision 92/527/EEC with regard to point 13 c) in the model.



9. ADDENDUM TO MISSION REPORT DG(SANCO)/1029/2000

There was only a general comment concerning the mission, specifically on the fact that the FVO mission took place less than one year after the date (1 July 1999) on which the Council Directive 97/78/EC came into force. Some of the issues examined on the spot were therefore not fully in accordance with the provision of the above mentioned Directive.

Nevertheless the Spanish authorities should react with guarantees to the recommendation within one month of the receipt of the translated version of the mission report.

