

Commission Decision of 28 September 2009 drawing up a list of approved border inspection posts, laying down certain rules on the inspections carried out by Commission veterinary experts and laying down the veterinary units in Traces (notified under document C(2009) 7030) (Text with EEA relevance) (2009/821/EC) (repealed)

COMMISSION DECISION

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(Text with EEA relevance)

(2009/821/EC) (repealed)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market⁽¹⁾, and in particular Article 20(1) and (3) thereof,

Having regard to Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC⁽²⁾, and in particular the last sentence of the second subparagraph of Article 6(4) and (5) thereof,

Having regard to 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⁽³⁾, and in particular Article 6(2) and (6) thereof,

Having regard to 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⁽⁴⁾, and in particular Article 45(6) thereof,

Whereas:

- (1) Directive 91/496/EEC provides that veterinary checks in respect of animals from third countries entering the Community are to be carried out by the Member States in accordance with that Directive. It also provides that Member States are to ensure that each consignment of such animals is subjected to a documentary check and an identity

check at one of the border inspection posts approved for that purpose in accordance with that Directive.

- (2) In addition, Directive 91/496/EEC provides that the Commission, acting in conjunction with the competent national authorities, is to inspect those border inspection posts in order to satisfy itself that there is uniform application of the rules on veterinary checks and that the various border inspection posts in fact possess the necessary infrastructures and meet the minimum requirements laid down in Annex A thereto.
- (3) Directive 97/78/EC provides that veterinary checks on products of animal origin and on certain plant products from third countries entering the Community are to be carried out by Member States in accordance with that Directive. It also provides that Member States are to ensure that consignments of such products are introduced into the Community via a border inspection post.
- (4) Commission Decision 2001/881/EC 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⁽⁵⁾ provides that veterinary checks on live animals and animal products introduced into the Community from third countries are to be carried out by the competent authority only at the approved border inspection posts listed in the Annex thereto.
- (5) In order to better identify the border inspection posts and facilitate international communications, it is appropriate to use new codes for their identification, based on the rules of the United Nations Code for Trade and Transport Locations and the International Air Transport Association.
- (6) Decision 2001/881/EC also provides for regular inspections to be carried out by the Commission veterinary experts in cooperation with the Member States' experts to review compliance with Community legislation on import controls at the border inspection posts listed in the Annex to that Decision.
- (7) Regulation (EC) No 882/2004 lays down general rules for the performance of official controls to verify compliance with rules aiming at preventing, eliminating or reducing to acceptable levels the risks to humans and animals, either directly or through the environment and guaranteeing fair practice in feed and food trade and protecting consumer interests, including feed and food labelling and other forms of consumer information.
- (8) That Regulation provides that Commission experts are to carry out general audits in Member States. It also provides that specific audits and inspections in one or more specific areas may supplement the general audits. Those specific audits and inspections may include, as appropriate, on-the-spot inspections of official services and of facilities associated with the sector being audited.
- (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⁽⁶⁾ lays down the animal health requirements applicable to the non-commercial movement of pet animals originating from third countries and the rules

applying to checks on such animals. That regulation provides that Member States are to take the measures necessary to ensure that pet animals brought into the Community from certain third countries are subject to certain checks at the travellers' point of entry into Community territory.

- (10) Commission Regulation (EC) No 206/2009 of 5 March 2009 on the introduction into the Community of personal consignments of products of animal origin⁽⁷⁾ lays down rules concerning the introduction into the Community of personal consignments of products of animal origin of a non-commercial character which form part of travellers' luggage, or are sent as small consignments to private persons or are ordered remotely and delivered to the consumer. It also provides that effective controls at points of entry into the Community are to be organised.
- (11) In order to ensure that Community legislation is applied in a uniform manner, it is appropriate that Commission veterinary experts may carry out inspections also at those other points of entry into the Community than at border inspection posts.
- (12) Commission Decision 98/139/EC 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⁽⁸⁾ lays down rules and procedures in relation to checks carried out by Commission experts in the Member States to ensure that the provisions of Community legislation are complied with in a uniform manner. Those rules and procedures should apply also to the inspections carried out in accordance with the present Decision.
- (13) Directive 90/425/EEC provides for the introduction of a computerised system linking veterinary authorities, with a view, in particular to facilitating the exchange of information between the competent authorities of regions where a health certificate or document accompanying the animals and products of animal origin has been issued and the competent authorities of the Member State of destination.
- (14) Commission Decision 91/398/EEC of 19 July 1991 on a computerised network linking veterinary authorities (Animo)⁽⁹⁾ introduced a computerised system linking veterinary authorities (Animo network). That decision defines the types of veterinary units that are part of the Animo network and lays down the requirements for those units.
- (15) Commission Decision 2002/459/EC of 4 June 2002 listing the units in the Animo computer network⁽¹⁰⁾ lays down the list of veterinary units in the Animo network.
- (16) Council Decision 92/438/EEC of 13 July 1992 on computerisation of veterinary import procedures (Shift project)⁽¹¹⁾ lays down the elements to be included in the computerisation of veterinary import procedures (Shift system).
- (17) Commission Decision 2003/24/EC of 30 December 2002 concerning the development of an integrated computerised veterinary system⁽¹²⁾ provides for the setting up of a computer system integrating the functions of the Animo network and of the Shift system into a single architecture (Traces).
- (18) Commission Decision 2004/292/EC of 30 March 2004 on the introduction of the Traces system⁽¹³⁾ (Trade Control and Expert System) provides that Member States are to

introduce and start using Traces from certain dates set out therein and to cease using the Animo network from the date when they start using Traces.

- (19) The veterinary units which were used in the Animo network continued to be used for the purposes of the operation of Traces. Those units comprise competent central authorities of the Member States, any local authority of the Member States designated as such for the purposes of the computerised network and all border inspection posts.
- (20) Certain Member States have requested that the design of Traces takes further account of their administrative organisation. It is therefore appropriate to provide for regional units as a separate type of unit within that system.
- (21) To identify without ambiguity the Member State to which the different local, regional and central units belong, the units in Traces should be identified by the ISO 3166-1-alpha-2 code of the Member State where they are located, as defined by the International Organisation for Standardisation. That code should be chosen because the units concerned are of relevance only within the Community and are not involved in the exchange of data with third countries.
- (22) The list of veterinary units in Traces should therefore be amended accordingly.
- (23) In the interest of simplification, clarity and consistency of Community legislation, this Decision should repeal and replace Decisions 91/398/EEC, 2001/881/EC and 2002/459/EC.
- (24) Following satisfactory inspections by the Commission inspection services, an additional border inspection post at Riga port in Latvia and two additional border inspection posts at the airports of Ciudad Real and Gerona in Spain should be added to the entries for those Member States already foreseen in Decision 2001/881/EC. Also, following communications from Belgium, Spain, France, Italy, The Netherlands and the United Kingdom, the entries for those Member States in the list of border inspection posts should be modified.
- (25) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

- (1) OJ L 224, 18.8.1990, p. 29.
- (2) OJ L 268, 24.9.1991, p. 56.
- (3) OJ L 24, 30.1.1998, p. 9.
- (4) OJ L 191, 28.5.2004, p. 1.
- (5) OJ L 326, 11.12.2001, p. 44.
- (6) OJ L 146, 13.6.2003, p. 1.
- (7) OJ L 77, 24.3.2009, p. 1.
- (8) OJ L 38, 12.2.1998, p. 10.
- (9) OJ L 221, 9.8.1991, p. 30.
- (10) OJ L 159, 17.6.2002, p. 27.
- (11) OJ L 243, 25.8.1992, p. 27.
- (12) OJ L 8, 14.1.2003, p. 44.
- (13) OJ L 94, 31.3.2004, p. 63.