Annex 28

CHAPTER 5.6.

measures and procedures applicable in the importation of commodities

Article 5.6.1.

Purpose and scope

This chapter provides general principles for measures and procedures that are applicable in the importation of *commodities* to prevent the spread of pathogenic agents through *international trade* of *commodities*, without creating unjustified restrictions, covering from the time of arrival at the border of the *importing country* until clearance of *commodities*.

This chapter provides *importing countries* with recommendations on measures and procedures, roles and responsibilities of the *Veterinary Authority* and other *Competent Authorities*, and business operators, in addition to responsibilities that are described in Article 5.1.2. This chapter provides guidance to ensure the quality and performance of official controls for importation.

The *animal health status* of the *importing country* or *zone* is not affected by the presence of disease or infection in imported animals in a *quarantine centre* or at a *border inspection post*.

Article 5.6.2.

General considerations

The *Veterinary Authority* of the *importing country* should ensure that *importing country* requirements, including *international veterinary certificates*, and up-to-date information relevant to the import procedures, including a list of the *border inspection posts* designated for the import and transit of those *commodities* are made available.

The *Veterinary Authority* of the *importing country* should be responsible for the performance of official controls in accordance with *veterinary legislation* to ensure that imported *commodities* can be safely imported. Its legal mandate, as described in Articles 3.4.5. and 3.4.13., should include import control activities at any step and to request from the importer any necessary information. Where appropriate, the *Veterinary Authority* may delegate certain tasks in accordance with point 2 of Article 3.4.5. Adequate human, technical and financial resources should be available in the *importing country* to perform official inspection in accordance with the quality principles described in Article 3.2.2.

An *importing country* may require adequate advance notice or approval regarding the date of entry into its territory of *commodities*, stating the type of *commodity*, species, quantity, means of transport and the *border inspection post* to be used.

The *Veterinary Authority* or other *Competent Authorities* when relevant, should perform official inspection in accordance with Article 3.2.12. regularly, on a risk basis and with appropriate frequency to ensure compliance with the *importing country* requirements. By way of derogation, the *Veterinary Authority* or other *Competent Authorities* may exempt from the inspection, *safe commodities* or *commodities* posing a negligible risk and for which inspection is not considered necessary.

*Biosecurity* should be applied to prevent transmission of pathogenic agents from *commodities* throughout the import process.

An *importing country* may prohibit the introduction into its territory of *commodities* not complying with the *importing country* requirements.

Importers should be aware of the *importing country* requirements and import procedure before the importation and announce, in advance, to the *Competent Authorities* the arrival of consignments at the *border inspection post*, in accordance with *importing country* requirements. Importers should ensure that *commodities* are presented for official inspection at the *border inspection post*, together with the original official certificates or documents, or digital equivalents, which are required to accompany the consignments.

In case of animals, importers should ensure that *animal welfare* is maintained throughout the whole process of importation, in accordance with Chapters 7.1., 7.2., 7.3. and 7.4. as relevant.

The *Veterinary Authority* of the *importing country* should carry out collaborative activities with other *Competent* *Authorities*, customs, other authorities and operators, and with *Veterinary Authorities* in other countries, to control the risk posed by the illegal cross-border movement of *commodities*, i.e. international movement of *commodities* done in a way to expressly and intentionally avoid official controls.

Article 5.6.3.

General principles applicable to procedures for import control

*Veterinary Authority* or other *Competent Authorities* should take control of the imported *commodities* to decide whether or not the consignment complies with the *importing country* requirements.

Import control should be performed at an appropriate place which might include a *border inspection post*, a point of entry, quarantine centre, the place of destination, or premises of the operator responsible for the consignment. The consignment should remain under the control of the *Veterinary Authority* or other *Competent Authorities* untilformal clearance.

In case of emergency, ships and aircrafts may be granted access to a port or airport which are not their intended destination. In those cases, they should be subjected to the animal health and welfare measures which the *Veterinary Authority* or other *Competent Authorities* may consider necessary.

1. Official inspection

Where official inspections of *commodities* are performed, they should always include a documentary check and, depending on the risk to human and animal health and *animal welfare,* should also include identity checks and physical checks*.* When the *Veterinary Authority* or other *Competent Authorities* needs to have full access to the consignment for the purpose of identity checks or physical inspection, consignments should be partially or fully unloaded from the means of transport.

1. Documentary check

A documentary check should be performed on all consignments presented for official inspection to ensure that they meet the *importing country* requirements.

Documentary check should include examination of the *international veterinary certificate*, and possibly of laboratory reports or other documents, including those of a commercial nature, which are required to accompany the consignment.

When performing documentary check, the *Veterinary Authority* or other *Competent Authorities* should inspect the required documents, in original or their digital equivalents as agreed between the *importing* and *exporting country*, to ensure that:

1. the *international veterinary certificate* has been issued by the *Official Veterinarian* of the *exporting country*; complies with relevant principles set out in Article 5.2.3. and corresponds to the model established by the *importing country* for that *commodity* and intended use, based on Chapters 5.10. to 5.13.; and
2. the information contained in the checked documents complies with the *importing* *country* requirements.
3. Identity check

Identity check should be performed upon arrival of consignment at the point of inspection, as a visual inspection to verify that the content and the labelling of a consignment, including the identification of *commodities*, seals and means of transport, correspond to the information declared in the *international veterinary certificate* and accompanying documents.

The frequency of checks, the quantity of *commodities* to be inspected as well as the criteria for sampling should be determined by the *Veterinary Authority* or other *Competent Authorities* of the *importing country* based on *risk assessment*.

1. Physical inspection

Physical inspection should include clinical examination of an animal for evidence of transmissible diseases and *animal welfare* issues and physical checks of *animal products* and *germinal products* and, as appropriate, checks on packaging, the means of transport, labelling and temperature records, the sampling for analysis, testing or diagnosis and any other check required by the *Veterinary* *Authority* or other *Competent* *Authorities* to verify compliance with the *importing country* requirements.

The frequency of inspection, the quantity of *commodities* to be inspected as well as the criteria for sampling should be determined by the *Veterinary Authority* or other *Competent Authorities* of the *importing country* based on *risk assessment*.

i) Animals

The *Veterinary Authority* or other *Competent Authorities* of the *importing country* should determine the number of animals to be clinically examined in accordance with the overall number of animals in the consignment and the declared purpose of animals, which may be increased if the physical checks carried out have not been satisfactory.

For animals that are not required to be identified individually and animals considered to be dangerous, clinical examination should consist of observation of the state of health and behaviour of the entire group or of a representative number of animals.

If the clinical examination reveals an anomaly, a more thorough clinical examination may be carried out, including sampling and testing, where appropriate.

ii) Germinal products

The *Veterinary Authority* or other *Competent Authorities* should carry out physical checks of the consignment to verify the compliance of the transport conditions with *importing country* requirements, including temperature records when relevant and the integrity of the packaging material and cryogenic tanks.

The *Veterinary Authority* or other *Competent Authorities* of the *importing country* should determine the number of items to be checked, which may be increased if the checks carried out have not been satisfactory.

The *Veterinary Authority* or other *Competent Authorities* may carry out physical checks to verify that the labelling complies with *importing country* requirements.

Physical inspection may include laboratory testing of the *germinal products*.

If the physical checks reveal an anomaly, a more thorough inspection may be carried out.

iii) Animal products

The *Veterinary Authority* or other *Competent Authorities* should carry out physical checks of the consignment to verify the compliance of the transport conditions with *importing country* requirements, including temperature records when relevant and the integrity of the packaging material.

The *Veterinary Authority* or other *Competent Authorities* may carry out physical checks to verify that the labelling complies with *importing country* requirements.

Physical inspection may include sensory examination and laboratory testing of the *animal products*.

If the physical checks reveal an anomaly, a more thorough inspection may be carried out.

1. Sampling and testing

Sampling and testing of imported *commodities* with a view to checking compliance with the health requirements laid down in the *international veterinary certificate*, may be performed following a risk-based sampling plan or upon suspicion of non-compliance resulting from the documentary, identity or physical checks of *commodities*. Testing should be performed in an *approved* *laboratory*.

The *Veterinary Authority* or other *Competent Authorities* may develop a risk-based sampling plan for imported consignments, that should specify the percentage of consignments to be sampled, taking into account the species concerned, the nature and declared purpose of the *commodities*, the number of incoming consignments and the results of previous sampling.

Where no immediate danger to animal health or public health is suspected from *commodities* sampled in accordance with a sampling plan, a consignment may be released before the results of laboratory tests are available.

1. Sanitary measures at import

To meet the *importing country* requirements, in addition to the *sanitary measures* implemented in the *exporting countries*, the *Veterinary Authority* or other *Competent Authorities* of *importing country* may require *sanitary measures* to be implemented at importation before release of the *commodities*. Measures may include *disinfection* and disinsection of *vehicles*/*vessels* and *containers* used in the transportation and unloading of *commodities*, in accordance with Chapter 4.14.

In the case of animals, measures may include *vaccination*, treatment or isolation. In the case of other *commodities*, measures may include a holding period or the application of physical or chemical treatment.

1. Release of consignments

Based on the performed import control, the *Veterinary Authority* or other *Competent Authorities* of *importing countries* should decide whether the consignment complies with the *importing country* requirements.

When the decision is made that the consignment complies with the *importing country* requirements, the *Veterinary Authority* or other *Competent Authorities* should notify the importer and the information should be made available to the customs authorities.

Article 5.6.4.

Further action for non-compliant commodities

*Commodities* identified as non-compliant based on the performed import controls should not be released by the *Veterinary Authority* or other *Competent Authorities* and should be isolated under appropriate conditions pending further decision by the *Competent Authority*.

Depending on the type of *commodity* and the *risk* the *commodity* represents to human and animal health, and environment, or due to *animal welfare* reasons, the *Veterinary Authority* or other *Competent Authorities*, should identify the options for the disposition of the *commodities* and notify the importer. Disposition of *commodities* may include:

a) re-dispatching the *commodity* back to the *exporting country* or another country, with the agreement of the receiving *Competent Authority*;

b) subjecting the *commodity* to treatment or to other risk mitigation measures necessary to allow importation;

c) killing and disposal of *animals*, or destruction of other *commodities*.

Any action applied to consignments of *animals* should comply with Chapters 7.1 and 7.6.

The *Veterinary Authority* or other *Competent Authorities* of the *importing country* should notify any decision to refuse entry of a *commodity* to the customs authorities and are encouraged to communicate it to the *Veterinary Authority* of the *exporting country*.

Following decisions taken in relation to non-compliant *commodities*, the *Veterinary Authority* or other *Competent Authorities* should supervise the effective disposition of the *commodities and* apply measures to prevent the introduction into the country of *commodities* which have been refused import, and the reuse of the *international veterinary certificate* that accompanied the consignment.

Article 5.6.5.

Emergency plan

The *Veterinary Authority* or other *Competent Authorities* of the *importing country* should develop a plan to address the occurrence, within the *exporting country* after the *commodities* have been exported or within the *transit country* after the *commodities* have transited, of a *listed disease* or a disease referred to in the *importing country* requirements which may have impacted the status of the exported *commodities*. The *Veterinary Authority* or other *Competent Authorities* may also develop a plan to address the occurrence of a *listed disease,* or a disease referred to in the *importing country* requirements, within the *importing country* before the animals have been released.

The *Veterinary Authority* or other *Competent Authorities* should ensure that the importer develops a plan to address emergencies which may impact the status of the *commodities* being imported, and non-compliant *commodities* described in Article 5.6.4. The emergency plan may be generic, or specific to each consignment, and should focus on preventing the introduction to the *importing country* of a *listed disease* or a disease referred to in the *importing country* requirements*,* and *animal welfare* in accordance with Chapters 7.2., 7.3. and 7.4. The emergency plan should identify responsibility and include procedures for actions taken for non-compliant commodities described in Article 5.6.4.

Article 5.6.6.

General recommendations applicable to vehicles/vessels and containers that transported infected animals

*Vehicles*/*vessels* and *containers* that transported *animals* found to be infected with a pathogenic agent of a *listed disease* or a disease referred to in the *importing country* requirements should be considered as contaminated, and the *Veterinary Authority* or other *Competent Authorities* should apply the following measures:

a) treatment of the litter, forage and any other potentially contaminated material,byits removal from the *vehicle*/*vessels* and *containers* for immediate transportation to an establishment assigned in advance, where the animal health measures required by the *importing country* should be strictly applied;

b) *disinfection* of all parts of the *vehicles/vessels* and *containers* which were used in the transport, feeding, watering, moving and *unloading* of the *animals,* as well as all baggage of travelling attendants, in accordance with Chapter 4.14.;

c) disinsection *of vehicles/vessels* and *containers* in case of *vector* disease.

Article 5.6.7.

General principles applicable to disposal of international catering waste

International catering waste is a high-risk category of product and should therefore be subject to strict controls to minimise the risk of introduction of pathogenic agents.

The *Veterinary Authority* or other *Competent Authorities* should ensure that all international catering waste entering the country from the international means of transport is handled, collected and disposed of in a way to minimise the risk of introduction of pathogenic agents.

**Article 5.6.8.**

General recommendations on measures to address identified illegal movement of commodities at border inspection post

To control the *risks* posed by illegal cross-border movement at *border inspection posts*, the *Veterinary Authority* or other *Competent Authorities* should coordinate and cooperate closely with the customs authority to ensure that the official inspection of *commodities* entering the country is performed in accordance with the rules of this chapter and national legislation.

For that purpose, the *Veterinary Authority* or other *Competent Authorities* should ensure the timely exchange with the customs authority, including via electronic means, of information and decisions made relevant to the organisation and conduct of their respective activities for *commodities* entering the country. The *Veterinary Authority* or other *Competent Authorities* should collaborate with the customs authority to ensure immediate notification to the *Veterinary Authority* or other *Competent Authorities* of circumstances where a declaration is submitted to the customs authority for a consignment of the categories of *commodities* subject to official inspection but with no evidence of an official inspection having been conducted.

The *Veterinary Authority* or other *Competent Authorities*, in collaboration with custom authorities, should have practical arrangements in place to ensure the implementation of the measures described in Article 5.6.4. in case of detection of illegal cross-border movement of *commodities* at a *border inspection post*.

Article 5.6.9.

General recommendations on measures to address identified illegal movement of commodities outside border inspection posts

To control the *risks* posed by the illegal cross-border movement of *commodities* outside of *border inspection posts*, the *Veterinary Authority* or other *Competent Authorities* should:

1) coordinate with border authorities (police, customs, transport, immigration) to provide technical support for identification of illegal cross border movement of *commodities*;

2) develop practical mechanisms to address illegal cross border movement of *commodities* and implementation thereof in close collaboration with border authorities.

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