



**FONASBA**



**ECASBA**

**ANNUAL MEETING  
GOTHENBURG 2014**

**ECASBA PLENARY MEETING**

**DIRECTIVE 97/78/EC**

**CHECKS ON CARGOES OF ANIMAL ORIGIN**

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# THE DIRECTIVE

- What is it?
  - A directive covering the need for veterinary checks on cargoes of animal origin imported from non-EU member states – and with specific relevance to transshipment cargo
- What does it say?
  - Cargoes covered by the Directive can be stored at the first port of entry into Europe for a set period free of any veterinary checks. Once that period has expired, the cargo must undergo documentary and (if deemed necessary) a physical check
- What are the documentary check limits?
  - Seven days for cargoes bound for other EU ports, up to fourteen days for cargo bound elsewhere

# HOW DOES IT WORK?

- How is time assessed?
  - Depending on the port/state, time starts to run from the time the incoming vessel arrives, the time the vessel is expected to arrive, when the container is landed, at midnight after landing or similar
  - Time runs out seven or fourteen days after the assessed time of arrival. In some ports, the ETA of the incoming feeder vessel is used as the reference
- Is there any flexibility?
  - Our enquiry to the major ports where this is a problem (Spain, the Netherlands, Germany etc.) indicate that the authorities apply the time limits rigidly, with no room for negotiation

# WHAT ARE THE PROBLEMS?

- Time Limits

- When the Directive was first introduced, most European feeder services operated at frequencies of seven days or less so the issue of veterinary checks only arose on a small number of occasions, usually due to weather or port delays, and so the number of checks was manageable.
- Since the financial crisis however, feeder vessel frequencies have reduced, thus extending the time containers have to wait at the port, and therefore causing more containers to be subject to veterinary checks.

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# WHAT ARE THE PROBLEMS?

- Documentary Checks
  - In most cases, cargo documents are sent to the receiver at the final destination, not to agents at transshipment ports
  - Veterinary authorities at transshipment ports require to sight original documents or authenticated copies (and in Spain, translated into Spanish), leading to considerable delays in receiving the originals at the transshipment port, possibly pushing the container into the compulsory physical check period (currently 21 days after arrival).
- Physical Checks
  - Problems with broken customs seals at destination
  - Out-turn condition issues: damaged cargo, incomplete shipment

# WHAT DOES ECASBA PROPOSE?

- Modern refer containers are capable of holding their temperature within very fine limits for extended periods
- As there are no practical health reason against it, the inspection free period for EU-bound cargo should be extended to the fourteen days granted to non-EU bound cargo, or even longer
- Noting the introduction of the RFD Directive on 1<sup>st</sup> June 2016 and its requirement that all statutory reports be filed electronically, veterinary authorities should be allowed to carry out initial documentary checks on copies of documents, with hard copies only being required if a physical check is undertaken
- *Philosophical question – what constitutes an “original” document in an electronic environment?*

# WHAT HAS ECASBA DONE?

- Initial letter to DG-SANCO (Health and Consumers) in June 2014 to raise concerns
- No reply received so follow up letter was to the Director of Veterinary & International Affairs in September 2014
- Copy of the letter to Fotis Karamitsos, Director of Maritime Transport at DG-MOVE
- The issue has also been flagged up with our colleagues at ECSA (shipowners) and WSC (container lines) and they have committed to supporting our stance on this issue
- Discussions with the Danish Shipowners Association, (presumably representing guess who?) provided useful background information on the matter. The DSA will also be supporting the request for extension of the time limits

# SANCO RESPONSE OCT. 2015

- Letter received from SANCO 2<sup>nd</sup> October 2014:
- Acknowledges issues and confirmed a review is underway
- Only two ports have applied for extension to fourteen days for non-EU cargo – Gioia Tauro and Hamburg
- Regarding containers destined for EU ports, SANCO are currently reviewing the current seven day period in the context of the UCC implementation
- Since April 2011, MS can accept authenticated copies for non-EU cargo
- Also looking at feasibility of using electronic copies of certificates for documentary check purposes for EU cargo
- Working with DG-MOVE to include SANCO TRACES system in overall e-Freight policy to avoid repetition and dual filing

# SANCO RESPONSE OCT. 2015

Letter ends:

“I trust these explanations serve to illustrate how the Commission services are addressing the issues you raise. Your comments are both pertinent and very much at the forefront of our own thinking. As you will no doubt have already seen, some have been usefully taken up whilst others remain under consideration as part of the current review of the EU legislative framework.

Thank you for your close attention to these issues. We look forward to continuing our collaboration to allow trade to flow ever more smoothly and safely.

(signed)

Bernard van Goethem

# WHAT CAN MEMBERS DO?

- Support those member associations for whom this is a major issue by:
  - Raising the issue with member state governments, statutory authorities and MEPs
  - Explain the reasons why the changes are need
  - Remind them that ports and trade are “and engine for growth in Europe” and that unnecessary and unwarranted controls such as these slow down trade, increase transport costs and go against the streamlining and harmonisation of transport procedures
  - Suggest they take a look at Bulgaria, which “successfully” overcame the problem – by moving all transhipment to Istanbul!