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NOTE

from : Latvian delegation
to : Council

Subject : Proposal for establishment of Community Agency coordinating veterinary and food border controls

Delegations will find in annex a note from the Latvian delegation which will be presented during the Agriculture and Fisheries Council as an AOB point during its session on 23-24 June 2008.

Trading conditions have changed radically with the volume of trade in animal and food products increasing greatly, both within the EU and with third countries.

The EU and Member States' (MS) responsibility is to protect the Community from potential animal and public health risks arising from international trade in live animals, their products and food. The trade has to be fair and it is important to step up the fight against illegal imports and frauds. It applies also to exports.

On several occasions it has already been mentioned how important it is to improve EU border biosecurity without severely disrupting cross-border movement of people and agricultural goods. The need for better coordination of services regulating imports and border controls (customs/veterinary) also has been clearly emphasized.

Latvia as a country situated on the EU external borders on roads (incl. railways), at sea a port as well at the airports has experienced different import (transit) and export related problems. This enables Latvian authorities to have an overview of the complexity of the current situation. Therefore, Latvia has already in several Council meetings has expressed the need for better coordination and harmonization of veterinary and food safety border control activities.

Even if it is responsibility of MS to perform veterinary border control, it is of a fundamental interest of all the Community to have an effective, more systematic, risk based border control giving the same guaranties regardless of place where the control was performed since the goods once entered the EU single market can be traded in all the MS.

This makes it very important to have border control procedures and principles, as provided by current legislation, as well as to have harmonized **intensity of controls**, based on general information about the risks for certain products and the information about the results of previous checks of similar goods entered EU via different border inspection points coming from different countries and establishments.

Thus there is a need for regular analyses of information collected via different systems including reports from Rapid Alert system, performance of ad hoc risk assessment of its and preparation of recommendations for optimal controls. In such a way it would be possible to make border controls more targeted, harmonized and effective as well as to use the recourses more efficiently.

Moreover, there is a clear need for more adequate and harmonized training of border control inspectors to facilitate more harmonized control performances.

Fraud prevention requires improvement of the traceability management and introduction of electronic certification. A Member State situated on the external EU border cannot be held responsible for consignments dispatched by another EU Member State. Therefore more attention should be paid to the movement and conformity of export consignments to the requirements of beneficiary third country. Furthermore a comprehensive and harmonized veterinary and food border control would facilitate EU exports.

Besides control activities as such there is a need for harmonized approach in decision making process in case of non compliance of traded goods. There has to be Community funds for the reimbursement of costs to the border MS in case when consignments have to be destroyed, but the owner or the responsible person could not be found.

There is a room for improving awareness of travelers about their responsibilities while traveling with animals, animal products or food.

This is the right time to start offensive implementation of those goals. **Latvia holds a view that it is necessary to consider and discuss possibilities to create a Community level agency dealing with the above mentioned problems**

There could be several main goals for the Agency:

1. **Coordination and harmonization of import and transit controls** throughout the whole EU, basing them on the regular common risk assessment, to make controls more effective in guaranteeing the correspondence of imports to the EU rules and optimizing the use of resources;
2. Improvement of **exchange of information** and coordination between Competent Authorities of MS, customs services and other institutions involved in border controls about the import, transit and export consignments **for better traceability and prevention of fraud**;
3. Exchange of information and harmonization of activities in relation with **noncompliant consignments**.

There would be clear distinction between functions with other EU institutions

- 1) Commission continues:
 - a) preparing and adopting legislative proposals,
 - b) negotiating with third countries on the requirements for import and export etc.
- 2) Food and Veterinary Office continues:
 - a) checking compliance of the border controls with the EU legislation.
- 3) European Food Safety Authority activates:
 - a) performance of scientific long term risk evaluation of different imported products.
- 4) Member States continues:
 - a) performing of border controls in a more harmonized, more effective and resource saving way. The activities of Agency should not prolong controls or in any way increase the workload of border inspection points.
- 5) Agency:
 - a) coordinates effective and harmonized implementation of border control according to the EU legislation and available information.