



29.9.2014

NOTICE TO MEMBERS

Subject: Petition 1358/2011 by Annemarie Grosshans (German), on behalf of Professors of Biochemistry, i.a. Nobel prize laureates, with 140 signatures, on an exemption for fruit flies (*Drosophila melanogaster*) from veterinary checks at EU external border according to Directive 91/496/EEC and Commission Decision 2007/275/EC

1. Summary of petition

It is well-known that fruit flies are essential to medical and biochemical research. They are bred by laboratories solely for that purpose, under completely sterile conditions, without ever entering into contact with nature. Nevertheless, they are subjected to veterinary checks at EU external borders, ostensibly in compliance with the Directive 91/496/EEC laying down the principles governing the organization of veterinary checks on animals entering the Community from third countries and Commission Decision 2007/275/EC concerning lists of animals and products to be subject to controls at border inspection posts. Unfortunately, these controls are carried out in a way which can pollute the purity or simply destroy the consignment of flies. The eminent scientists petition the Parliament to obtain an exemption from veterinary checks for *Drosophila melanogaster* imported for scientific purposes.

2. Admissibility

Declared admissible on 20 April 2012. Information requested from Commission under Rule 202(6).

3. Commission reply, received on 27 June 2012

The petition is based on the information that due to veterinary checks in border inspection posts (BIPs), consignments of fruit flies might be contaminated and thus no longer useful for

scientific research. In addition, numerous consignments contain dead fruit flies, as the movement of the consignment is delayed due to the veterinary checks.

One example refers to a consignment of fruit flies which was dispatched from Bloomington, USA on 22.09.2011, however, it was only checked in the BIP in Frankfurt airport on 25.10.2011. Although the content of 5 transport phials was mouldy and although there were dead fruit flies in other transport phials, the consignment was accepted for import without any further examination aiming to establish the reason for the mould and the dead insects.

Another example refers to a consignment of 17 transport phials with fruit flies which entered through Frankfurt airport and which arrived at destination with dead fruit flies in 9 transport phials.

Union legislation on import controls of live animals, as laid down in Council Directive 91/496/EEC¹, requires that veterinary checks are carried out at approved border inspection posts on all consignments of live animals. By definition, this includes live insects such as *Drosophila* imported for research purposes.

To ensure that no delays occur for consignments of live animals at BIPs, Article 3 (1)(a) of Directive 91/496/EEC obliges the importer to notify each consignment of live animals one working day before their arrival on the Union territory to the relevant BIP, specifying the number, nature and estimated time of arrival of the animals. For this notification, the first part of the Common Veterinary Entry Document (CVED), as provided for in Annex I to Commission Regulation (EC) No 282/2004², has to be provided by the person responsible for the consignment to the BIP, and all consignments of live animals have to be conveyed directly to the BIP.

It should be noted that, in accordance with Article 5 of Commission Decision 97/794/EC³, live animals, including insects, are not subject to individual clinical examination or sampling as part of a veterinary check, but are only required to undergo observation of their state of health as a group. These controls are needed to ensure that animals imported into the Union are as stated in the accompanying documentation, including the species, and are not risk vector animals.

In relation to the animal health conditions, live insects are covered by requirements laid down in Council Directive 92/65/EEC⁴. As there are no harmonised animal health conditions defined in Union legislation, it is the responsibility of the competent Member States authorities to set up national rules for the import of such animals. If these animals are presented in a BIP of one Member State for further transportation to another Member State,

¹ 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, OJ L 268, 24.9.1991.

² Commission Regulation (EC) No 282/2004 of 18 February 2004 introducing a document for the declaration of, and veterinary checks on, animals from third countries entering the Community, OJ L 49, 19.2.2004.

³ Commission Decision 97/794/EC of 12 November 1997 laying down certain detailed rules for the application of Council Directive 91/496/EEC as regards veterinary checks on live animals to be imported from third countries, OJ L 323, 26.11.1997.

⁴ Council Directive 92/65/EEC of 13 July 1992 laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A (I) to Directive 90/425/EEC, OJ L 268, 14.9.1992.

the BIP of entry has to respect the national animal health conditions of the Member State of destination.

Concerning the two examples provided, the Commission was informed that these consignments were sent by normal mail, without the specific IATA labelling applicable for live animal transports to ensure adequate handling and without the option of express mail for rapid delivery. The mail stamp on the consignment from Bloomington evidenced that the parcel left Bloomington only on 27.09.2011. The German post delivered the parcel immediately after its arrival to the BIP in Frankfurt/Main on 25.10.2011, but it is not known where the parcel was in between.

Conclusion

Union legislation provides for rapid and efficient veterinary controls on live animals in BIPs. A key element of this is pre-notification. If live animals are not notified to the BIP concerned, delays are likely to occur. In addition, delays and inadequate handling of consignments are likely to occur, if they are sent by normal mail instead of using professional services for animal transport to ensure that the animals arrive rapidly and healthy at their destination.

However, the Commission is aware that the current rules on imports of insects may appear burdensome to some operators and has agreed to look into this within the review of the relevant legislation. This process is ongoing and the Commission is currently examining if concerns for certain laboratory bred insects may be taken into consideration. The Commission is currently working on proposals for a new animal health law and for an amendment to Regulation (EC) No 882/2004¹, including general provisions for import controls of live animals, which is scheduled to be adopted by the end of 2012. Within the envisaged legal framework, detailed rules on imports of such live animals could then be drawn up taking into account the concerns expressed with respect to certain insect species such as *Drosophila melanogaster* intended for research.

The Commission also refers to its answer to written questions P-9820/10², E-4576/2010³, E-000154/2012⁴ and E-001494/2012⁵.

4. Commission reply (REV), received on 29 September 2014

As a follow-up to their initial communication of 27 June 2012 and the debate at the Petitions committee of 5 December 2013, the Commission services would like to refer the Members to the letter (ref. Ares(2014)1092361) sent on 7 April 2014 by Mr Tonio Borg, Member of the European Commission, to Ms Erminia Mazzoni.

¹ 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, OJ L 165, 30.4.2004. Corrected version in OJ L 191 of 28.5.2004.

² <http://www.europarl.europa.eu/sides/getAllAnswers.do?reference=P-2010-9820&language=EN>.

³ <http://www.europarl.europa.eu/sides/getAllAnswers.do?reference=E-2010-4576&language=EN>.

⁴ <http://www.europarl.europa.eu/sides/getAllAnswers.do?reference=E-2012-000154&language=EN>.

⁵ <http://www.europarl.europa.eu/sides/getAllAnswers.do?reference=E-2012-001494&language=FR>.