

TONIO BORG

MEMBER OF THE EUROPEAN COMMISSION

Brussels,
A(2014)

07 04 2014

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| PE - COURRIER EP - ENTRÉE |
| 15.05.2014 |
| NP 5174 |

01092361

Dear Ms Mazzoni,

Petition 1358/2011 is based on two examples related to information that due to veterinary checks at the borders of the European Union, consignments of fruit flies imported for research purposes might be dead, damaged or contaminated and that, as a result, when they arrive at the research centres, they are unusable for scientific purposes.

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, including insects imported for research purposes. Even if fruit flies for research purposes could present no risk for animal and public health, there are many other similar insects from third countries which may transmit animal or human diseases. That is the reason why such live animals cannot be freely imported into the Union. Apart from everything else, veterinary checks also serve to determine the species in question and to ensure that the insects are safely packed and actually destined to research centres.

I completely agree with the Members of your Committee in that the checks of these insects must be as fast as possible with regard to their short life. Commission Decision 97/794/EC² provides exemptions for the application of checks on insects and sealed containers for research or scientific purposes that do not need to be opened. You can confirm to the Members that this point was drawn to the attention of the Member States during the recent meeting of the Expert Group on Veterinary import checks of 11 December 2013. In addition, a reminder of these practices have been disseminated to the Member States lately by the attached letter.

*Ms Erminia Mazzoni MEP
Chairman
Committee of Petitions
European Parliament
B-1047 Brussels*

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.

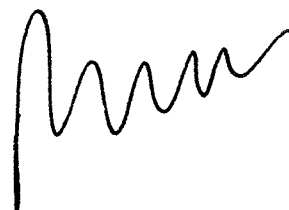
² Commission Decision 97/794/EC of 12 November 1997 laying down certain detailed rules for the application of Council Directive 91/496/EEC as regards veterinary checks on live animals to be imported from third countries, OJ L 323, 26.11.1997.

However, investigations conducted by the Member States demonstrated that insects for research purposes are checked every day in their border inspection posts and no other incident than the one raised in the above petition was reported. Concerning the two cases described in the petition, the petitioner had been informed (ref no D2012-629109) that these consignments were sent by normal mail, without the specific labelling applicable for live animal transports to ensure adequate handling during air transport (required by the International Air Transport Association) and without the option for express mail for rapid delivery. The mail stamp on the consignment evidenced that the parcel left Bloomington (US) on 27.09.2011. The German post delivered the parcel immediately after its arrival to the relevant border inspection post on 25.10.2011 but it is not known where the parcel was during the 4 weeks between these dates. Therefore I believe that the responsibility of border inspection posts cannot be challenged in this particular case.

In conclusion, it is important to remind operators that a minimum of care should be taken when they send such fragile animals. The insects should be carefully packed in boxes, in compliance with the standards and appropriate labelling provided for by the International Air Transport Association. It is generally preferable to use the services of a professional animal carrier rather than sending parcels by normal mail. According to Article 1 of Regulation (EC) No 282/2004³, it is essential to pre-notify the arrival of consignments of live animals to the border inspection post, at least 24 hours in advance, in order to avoid unnecessary loss of time and ensure that the animals arrive rapidly and healthy at their destination.

*The members of the Committee of Petitions are aware that the exemption of *Drosophila melanogaster* bred and used for scientific purposes from veterinary checks is covered within the scope of the draft legislative proposals on animal health and official controls currently being discussed at first reading in the European Parliament and the Council. Please be assured that the Commission will consider this exemption when relevant delegated acts are developed with Member States' expert and relevant stakeholders. During the transitional period, the aforementioned information provided to Member States should help greatly to speed up handling and checks of insects destined to research.*

Yours sincerely,

A handwritten signature in black ink, consisting of a series of connected, wavy lines that form a stylized, somewhat abstract shape.

*Encs: Commission letter ARES (2014) 505894 to the Member States
Commission reply ARES (2012) 629109 to the Petitioner*

³ 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, p. 11.

1st Commission communication

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Petition 1358/2011

The petition

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 not useful any more for scientific research. In addition, numerous consignments contain dead fruit flies, as the movement of the consignment is delayed due to the veterinary checks.

An example presented 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 glasses was mouldy and although there were dead fruit flies in other transport glasses, the consignment was accepted for import without any further examination in order to establish the reason for the mould and the dead animals.

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

The Commission's observations

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

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.

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 Member States competent 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, 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 for 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 spent the time 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 882/2004⁵, including general provisions for import controls of live animals, which is scheduled to be adopted by the end of this year. Within the envisaged legal framework, detailed rules on imports of such live animals could then be drawn up taking into

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.

⁵ 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.

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-9820/10⁶, E-4576/2010⁷, E-000154/2012⁸ and E-001494/2012⁹.

⁶ <http://www.europarl.europa.eu/sides/getAllAnswers.do?reference=P-2010-9820&language=EN>
⁷ <http://www.europarl.europa.eu/sides/getAllAnswers.do?reference=E-2010-4576&language=EN>
⁸ <http://www.europarl.europa.eu/sides/getAllAnswers.do?reference=E-2012-000154&language=EN>
⁹ <http://www.europarl.europa.eu/sides/getAllAnswers.do?reference=E-2012-001494&language=FR>



EUROPEAN COMMISSION
HEALTH AND CONSUMERS DIRECTORATE-GENERAL

Veterinary and International affairs
Director

Brussels,
SANCO G6/BS D(2014) 387040

Dear CVO,

Subject: Veterinary import controls on live insects from third countries

The Commission services have received complaints from several importer organisations concerning veterinary checks carried out at border inspection posts (BIPs) on living insects from controlled holdings originating from third countries, e.g. living insects destined for research or farmed butterfly pupae. The complaints referred to the death of parts of the consignments caused by delays resulting from the veterinary import controls in the BIPs.

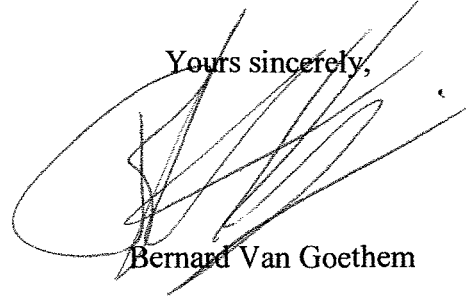
When examining the background information attached to some of the complaints, it became apparent that due to the lack of pre-notification of the consignment to the BIP significant delays occurred. Therefore, I would like to remind you that the pre-notification of consignments is a fundamental point in the process of veterinary import control, especially in the case of live animals. Compliance with this rule ensures that the BIPs will be notified sufficiently in advance to prepare and guarantee the best conditions of promptness in carrying out the veterinary checks. According to Regulation (EC) No 282/2004, importers are required to notify the BIPs at least one working day before the expected arrival of the animals at the entry point and it is very important that the Member States shall take all appropriate measures to enforce this rule to ensure rapid finalisation of the import controls.

Furthermore, I also recall that Decision 97/794/EC provides some exemptions in the application of identity and physical checks for certain categories of animals including bees and other insects. As they are presented in packages/containers, the identity check must at least consist of checks on the labels of a representative number of packages/containers and a visual check of the animals for the verification of the species. Insects are not subjected to individual clinical examinations, especially if they have a specific health status for scientific purposes. As a conclusion, provided that no particular health risk is identified, sealed containers for research or scientific purposes do not need to be opened.

CVOs of all MS, Norway and Switzerland
Permanent Representations of all MS, Norway and Switzerland

Compliance with these rules should be sufficient to ensure that the veterinary checks are carried out as fast as possible with no harm for the insects. I would appreciate if you could forward this information to your respective BIPs.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Bernard Van Gothem', written over the typed name below it.

Bernard Van Gothem

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*Ms Erminia Mazzoni MEP
Chairman
Committee of Petitions
European Parliament
B-1047 Brussels*

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