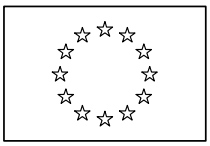

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REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL

on the effectiveness and consistency of sanitary and phytosanitary controls on imports of food, feed, animals and plants

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TABLE OF CONTENTS

1. INTRODUCTION

In December 2008, the Council invited the Commission to "*submit a report to the Council and the Parliament, by the end of 2010, on the effectiveness and consistency of sanitary and phytosanitary controls on imports of food, feed, animals and plants, with a view to continuing a well-functioning Community framework on imports, along with proposals, if appropriate*".[1]

The following report answers that call. In so doing, it demonstrates that the sanitary and phytosanitary controls in place on imports of food, feed, animals and plants serve to ensure that these imports are, above all, safe.

There is a separate debate on imports that deals with competitiveness issues. This debate focuses on the differences in production costs between the EU and third countries, such as land, labour and capital, and the consumer choices that affect purchasing decisions based on factors such as price, availability, quality and cultural preferences. As this debate falls beyond the scope of this report, the analysis provided below focuses solely on the effectiveness and consistency of the sanitary and phytosanitary controls on imports of food, feed, animals and plants, as requested by the Council.

1.1. The Demand for Imports

The European Union (EU) is the world's largest importer of food and feed with imports of EUR 85 billion in the period 2007-2009.[2]

While it is largely self-sufficient in most food products, the EU needs to import certain commodities because there is either little or no EU production, such as for tea, coffee and spices, or because EU production falls short of demand, as is the case for fish and animal feed. Consumers increasingly demand a wider range of products and businesses need to import raw materials. These raw materials largely supply the EU food processing industry which goes on to produce high value goods for domestic consumption or for export to third countries.

As Europe's largest manufacturing sector, with a global annual turnover of EUR 900 billion and employing over 4 million people, the food industry is pivotal to the EU's prosperity.[3] For it to stay ahead, it needs to be able to rely on inputs from around the world.[4] It also needs the food standards in place in the EU to remain competitive and to enjoy the confidence of European consumers.

Despite numerous sources of demand, total imports of agricultural products amount to only a small fraction of total consumption and production in Europe. While the EU imports much in the way of feed, coffee, tropical fruits and cocoa, by contrast, it imports very low quantities of animal products such as meat and milk. Imports exceeded exports by EUR 7 billion in 2008, an amount which fell

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1 Council Conclusions on safety of imported agricultural and agri-food products and compliance with Community rules, 2917th Agriculture and Fisheries Council Meeting, Brussels, 18 and 19 December 2008 - 17169/08 ADD 1.

2 DG Agriculture and Rural Development, Monitoring Agri-trade Policy, No. 01-10, June 2010.

3 European Commission Directorate General for Enterprise and Industry.

4 COM(2010) 612, Trade, Growth and World Affairs, http://trade.ec.europa.eu/doclib/docs/2010/november/tradoc_146955.pdf.

to just EUR 2.5 billion in 2009 given the impact of the financial and economic crisis on both the value and the volume of EU imports.[5]

Notwithstanding the dampening effect on world trade that came about following the global downturn in 2008, trade in agricultural goods has been the subject of rapid growth in previous years.[6] Increasing attention has, as a result, been paid to the risks associated with such trade given the potential threats to human, animal or plant health. If such risks are left unchecked, disruptions to trade can occur whereby markets, worth billions of euros, can disappear overnight and the confidence of consumers in food markets and the ability of governments to manage them, can be severely tested.

1.2. The Role of the European Union

It is essential to ensure all food on the market is safe. This applies as much to imports as to food, feed, animals and plants produced, raised and cultivated in Europe. Controls on imports ensure that imports are compliant with EU legislation in the same way that products produced in Europe are. The underlying principle is that all food products on EU markets must be safe, irrespective of their origin.

The EU has a comprehensive body of legislation - underpinned by the need for a harmonised and risk-based approach - to identify hazards associated with the importation of a particular product from a certain third country at any point in time. Once an assessment is made of the risks, the conditions under which such a product may be imported can be determined. In turn, it is then possible to establish which controls must be put into place. Currently only a limited number of high risk products are subject to uniform import conditions and modalities on the basis of that legislation.

Given that risks are constantly evolving, import conditions change over time and so too, therefore, do the applicable controls. The EU manages these changes by having an appropriate risk assessment and management capability, a harmonised approach to controls and clear and coherent legislation in place. In so doing, the EU, together with the Members States, ensures both the consistency and effectiveness of its controls.

1.3. Applying Harmonised, Risk-Based Controls

Risks from imported goods are assessed on the basis of the threat those imports pose to human, animal and plant health - the higher the level of risk, the stricter the conditions for their entry into the EU and therefore, the greater the level of controls.

Import conditions are established on the basis of the risk categorisation of each product taking into account a variety of factors at any given point in time. These include: information on disease outbreaks, trade data, interceptions of unsafe or non-compliant products and scientific evidence. Information on the guarantees offered by the control system in place in a third country, including applicable legislation and safety standards, is also collected from trading partners. In addition, inspections are carried out in both Member States and third countries

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5 Ibid.

6 Ibid. Growth in world agricultural trade saw growth rates of 21%-25% in 2007 and 2008.

to assess their means to carry out appropriate controls. In cases of a serious disease outbreak or where the level of risk changes, a decision is taken as to the specific safeguard measures necessary at the import stage.

Member States carry out controls aimed at ascertaining compliance with the extensive set of rules that govern the food chain, plant health and animal health. While the vast majority of EU imports do not pose a significant health hazard, there are a number of products for which specific, harmonised controls are established at EU level. These require sanitary controls to be performed prior to the import of these commodities into the Union.

1.4. Europe as a Global Player

The way in which the EU applies its SPS regime determines how far it is able to maintain an open, science-based approach to animal and plant health and food safety globally. The controls set by the EU are consistent with standards set by international standard-setting bodies working in the field of food safety and animal and plant health, namely: the Codex Alimentarius Commission, the World Organisation for Animal Health (OIE) and the International Plant Protection Convention (IPPC) as provided for by the World Trade Organisation's (WTO) Agreement on the Application of Sanitary and Phytosanitary Measures (the SPS Agreement).

While governments may take additional sanitary and phytosanitary measures necessary for the protection of human, animal or plant life or health, these are only permissible where these can be proved to be science-based, proportional and non-discriminatory. As one of the world's largest traders in food and feed, the EU is committed to comply with its international obligations. The EU is also aware that its requirements often serve as benchmarks for international trade and carry a huge impact on developing countries, many of which are highly dependent on access to European markets.

2. OVERVIEW OF CURRENT IMPORT CONTROLS

2.1. The Legislative Framework

Food safety requirements are enshrined in Regulation (EC) No 178/2002 of the European Parliament and Council – more commonly known as the General Food Law. This Regulation states that the EU's food safety policy should ensure free movement within the internal market, seek to achieve a high level of protection of human health, serve consumer interests and ensure that food and feed imported into the European Union complies with requirements able to provide equivalent levels of guarantees as regards safety.

The General Food Law is complemented by Regulation (EC) No 882/2004 – more commonly known as the Official Food and Feed Controls Regulation. It establishes the overall framework for official controls carried out by national competent authorities in the Member States and the Commission to ensure compliance with food and feed law, with animal health and welfare rules, and - to some extent - to plant health provisions.

More specifically, in relation to imported products, the Official Food and Feed Controls Regulation provides the general principles underlying the establishment of import conditions, the recognition of equivalence,[7] the approval of pre-export controls carried out by third countries' competent authorities and the recognition that certain commodities may require specific controls prior to their introduction into the territory of the Union. It also tasks the Commission with specific duties in relation to the collection of appropriate information from trading partners and with the performance of inspections in third countries. Every year, the Commission reports to the Council and European Parliament on the overall operation of official controls in the Member States on food safety, animal health, animal welfare and plant health.

Detailed provisions governing imports are also provided for in an extensive set of sectoral acts in areas such as plant health, seeds, zoonoses, the control and eradication of animal diseases, animal by-products, food and feed hygiene, genetically modified food and feed, residues and contaminants, pesticides, additives, nutrients, dietetic foods, mineral waters, novel foods, food contact materials and many others.

2.2. Different Products, Different Risks

Different commodities pose different risks and are thus subject to specific import conditions and controls.

2.2.1 Live animals and products of animal origin (such as meat, eggs and fish) and animal products not intended for human consumption (such as semen and embryos) are considered to represent a high risk because they can be vectors for the transmission of diseases to both livestock and humans. The threats to animal health are particularly worrying due to the detrimental effects of the spread of disease on European livestock production.

Live animals and animal products can only enter the EU through approved border inspection posts (BIPs) under strictly harmonised import conditions. These require that such imports are sourced from approved third countries, from approved or registered establishments and that the veterinary certificates accompanying the consignments must be signed by the competent authority of the exporting country providing detailed information as to the public and animal health status of the products and their conformity with the EU's import requirements. In the event of a serious animal disease outbreak in a third country, import restrictions may be established to prevent the introduction of the disease in the EU.

Upon arrival, BIP staff must carry out mandatory controls including documentary, identity and physical checks to verify that the goods conform to their description and meet EU import conditions. Physical checks are always required in the case of live animals however such checks may be reduced for animal products when they meet harmonised import conditions and when veterinary agreements - proving that the third country can offer the same or equivalent levels of safety to those of the EU

[7] Equivalence implies that the control system applied by the third country in question has been accepted by the EU as being equivalent to its own.

- are in place. Targeted analytical checks at a defined frequency may also form part of the physical check.

Once a consignment has satisfactorily undergone these checks a Common Veterinary Entry Document (CVED) is issued allowing the goods to be released for free circulation. There is close co-operation between veterinary and customs authorities who do not permit the release of animals or animal products unless and until a CVED has been issued.

2.2.2 Imports of live plants or plant products are also considered to be of high risk due to the introduction of new pests and plant diseases in the EU territory with potentially disastrous effects on crops and the natural environment. Before they can be introduced into the Union, all live plants and certain plant products must be accompanied by an official phytosanitary certificate delivered by the competent authority of the third country in conformity with the model set out under the International Plant Protection Convention.

Plant health checks - consisting of documentary, identity and physical checks - are performed on all consignments of plants and regulated plant products at an approved Point of Entry. A derogation to carry out the physical checks at the place of destination can be granted by the national authorities under specific conditions, including the movement of the goods under customs supervision. Customs authorities shall not allow the importation of any plants and regulated plant products, unless proof has been supplied that the relevant phytosanitary checks have been carried out with satisfactory results.

2.2.3 Certain food and feed of non-animal origin, for which a known or emerging risk is identified, are also subject to mandatory pre-import controls at Designated Points of Entry (DPE). These may include nuts and certain fruits or vegetables. Commodities for which controls are necessary are determined on the basis of the latest information available with respect to the risk profile of the product. The list of these commodities and the applicable levels of controls are reviewed on a quarterly basis. As in the case of animals and animal products, such commodities must undergo mandatory border checks and can only be released for free circulation in the Union on condition that the outcome of controls carried out is favourable.

2.2.4 Most food chain products are considered not to pose an intrinsic risk to public, animal or plant health. Many so-called 'shelf-stable' products (canned, processed, dried etc), composite products and many fruit and vegetables fall into this category. In these cases, controls on imports are carried out by the Member States on the basis of their multi-annual control plans and in the light of the potential risk identified by the Member States.

2.3. So how does it all work?

Third countries, wishing to export products considered to pose a risk to the EU, must meet demanding requirements, before they can be considered eligible. These may include a combination of some, or all, of the following:

- a formal submission of a written application to export to the EU.

- verification of the third country's animal, plant and public health situation, including relevant legislation, control systems, disease surveillance measures, and laboratory facilities.
- the provision of sanitary or phytosanitary certificates - proving that the products to be exported meet with EU requirements.
- the approval of business establishments wishing to export to the EU certifying that they meet the relevant Union requirements, particularly in the case of live animals and animal products.
- the submission and approval of a monitoring plan for residues of banned or restricted substances in the EU.

In cases of some high risk products, inspection missions to verify compliance with EU legislation are mandatory. Where import conditions are in place and these are satisfactorily met by a third country or where pre-export listing obligations or checks may be established, a formal Commission decision must be taken, in consultation with Member States, before imports are allowed from that third country.

Following approval, compliance is then regularly evaluated during inspections conducted by the Commission and as a result of checks carried out by the Member States.

3. MEASURES TO ENSURE THE EFFICIENCY OF IMPORT CONTROLS

3.1. Inspections, Risk Assessment and Information Systems

3.1.1 The Commission Inspection Service of DG Health and Consumers, the Food and Veterinary Office (FVO), carries out inspections, in both Member States and third countries, to ensure EU legislation is respected. It does so, on the basis of an annual plan, pooling its own long-standing experience with the views of Member States to establish its priorities. As well as inspecting the oversight of food operators and checking the animal and plant health status of Member States and third countries alike, the FVO routinely carries out missions to verify on-the-spot compliance with the import conditions laid down for third countries. Once these are satisfactory and imports of a particular commodity from a particular third country are allowed, the FVO carries out further periodic inspection missions to confirm that imports can continue on a safe basis. The FVO also conducts inspections on the BIPs and DPEs located in Member States to ensure compliance with EU law. Inspections on the ground serve many purposes, allowing for close co-ordination with Member States and third countries and for compliance to be monitored. Possibly most importantly, it also allows for prompt action to be taken to tackle any unacceptable identified risk.

3.1.2 The European Food Safety Authority (EFSA), established under the General Food Law, provides the European Commission with independent scientific advice on all matters with a direct or indirect impact on the safety of the food chain. It is a separate legal entity, independent from the other EU institutions, whose work covers all stages of food production and

supply, from farm to fork. Where appropriate, EFSA assesses the risk posed by a particular commodity as a function of its hazard.

3.1.3 The TRAde Control and Expert System (TRACES) provides on-line information on import consignments of live animals and animal products. It facilitates the exchange of information between competent authorities of animal and public health inspections, allows veterinary authorities to react rapidly to possible health emergencies and speeds up administrative procedures for business operators. TRACES is used by both Member States and an increasing number of third countries[8]. TRACES incorporates both the Harmonised Commodity Description and Coding System of the World Customs Organisation (six-digit level codes) and the Combined Nomenclature of the EU (eight-digit level codes). Thus coding systems describing goods can interact around the world on a six-digit level.

3.1.4 The EU has two alert systems in place to enable the rapid and effective exchange of information. The Rapid Alert System for Food and Feed (RASFF)[9] allows urgent notifications to be sent round-the-clock when food or feed presenting a serious risk is detected. RASFF informs the third country in question, in order to prevent a recurrence of the problem. A similar alert system, EUROPHYT,[10] enables the exchange of information when plants and plant material are intercepted for failure to meet EU plant health requirements.

3.2. Multilateral and Bilateral Arrangements

The EU plays an active role in the World Trade Organisation as well as in the international standard-setting bodies. This permits the EU to promote its own regulatory model and to thus shape the international standards that will, in turn, apply to the EU.

The EU also maintains an ongoing dialogue with third countries on SPS issues and engages in bilateral trade agreements which include SPS provisions covering trade in agricultural products. Some agreements, with the aim of facilitating trade in live animals and animal products, also exist with a limited number of third countries. In certain cases, these agreements provide for the recognition of 'equivalence' which can lead to a derogation from certain veterinary checks. Under no circumstances, however, does the EU lower its level of protection.

The Official Food and Feed Controls Regulation also provides for ‘equivalence’ to be recognised by the EU unilaterally in any area of the food chain. In accordance with the WTO SPS Agreement, any WTO member has the right to request its trading partners to discuss the recognition of 'equivalence.' A third country may also apply to have a lower level of import controls performed upon

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8 At present, around 5,000 CVED for live animals and 40,000 for products of animal origin are registered within TRACES every month. Fourteen third countries use TRACES for the issuance of certificates accompanying animals or products for import into the EU.

9 The EU Member States, the Commission, EFSA, Norway, Liechtenstein and Iceland participate in RASFF.

10 EUROPHYT provides direct web access for the Commission, Member States and Switzerland.

entry to the EU on the basis of increased pre-export checks. These may be verified by the FVO.

3.3. Training

The programme *Better Training for Safer Food (BTSF)* is a Commission initiative which has put in place comprehensive training programmes for competent authorities in Member States to keep them up-to-date with aspects of EU law and to ensure that controls are carried out uniformly, objectively and appropriately. Amongst other things, there is a specific training module for the staff of BIPs to facilitate a harmonised approach to imports by BIPs. Training organised for Member States is open to participants from third countries, and, in some cases, specific training sessions are organised in third countries, particularly developing countries.

3.4. Co-ordination and Communication

The Commission holds regular discussions with the Member States in relevant expert groups and regulatory committees on any new or emerging problems of particular concern or where there are changes at the international level.

Close relations with Member States are particularly important to respond rapidly to breaches of food and feed law and animal and plant health. Measures in the form of administrative actions may be taken by Member States' competent authorities however in urgent cases, the Commission may take appropriate measures acting on its own initiative, pending confirmation by the Member States. The Commission may also request the European Anti-Fraud Office (OLAF) to assist it in investigations arising from suspicions, illegal findings or irregular activity.

3.5. Providing an Appropriate Response

Historically, agents of contagious animal diseases of major importance and organisms harmful to plants have entered the EU in different ways, including through illegal imports, movements of migratory birds or insect vectors. However, none of the major health crises suffered in recent years have been revealed to be the result of legally imported consignments or from shortcomings in veterinary or phytosanitary import checks.

Given that animal health, plant health or food safety crises may be very expensive to deal with and have a major impact on society as a whole, the EU budget allocates approximately EUR 300 million for disease prevention and eradication[11] and EUR 100 million for feed and food safety related measures, every year. The EU has also built a capacity to rapidly respond to crises and new threats. In the last decade, for example, in order to further reduce the risk caused by the possible illegal introduction of food, the rules on the disposal of international catering waste and personal imports of food by passengers have been reviewed and strengthened.

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[11] This includes measures taken by the EU to control certain animal diseases in candidate countries and potential candidate countries along the EU's borders in order to minimise the risk of disease spreading into the EU. The vaccination against Classical Swine Fever currently ongoing in the Western Balkans is one such example.

Ensuring that imports comply with EU legislation presents difficult challenges as, by definition, production takes place outside the direct control of the EU and its Member States. Notwithstanding this, the implementation of a multi-level and multi-actor regulatory framework, which is regularly reviewed, is therefore key to ensure that only safe, imported products reach the European market.

4. RECENT AND EMERGING ISSUES

4.1. The Increasing Importance of SPS Measures

Cutting tariffs and reducing quota restrictions remain an important priority in trade policy, however, the challenge increasingly lies in regulatory aspects. Insofar as SPS requirements are concerned, countries have the right to establish their own levels of protection and to regulate accordingly. However this must be done in a manner consistent with provisions of the WTO SPS Agreement. The indiscriminate use of disproportionate or unscientific SPS measures, or measures that are not based on international standards, is a matter of concern to both the EU and its trading partners.

4.2. Challenges

Disease has always been one of the most important factors to be taken into account when establishing the level of risk prevailing at any one time. Diseases such as Bovine Spongiform Encephalopathy (BSE) and new variants of avian flu which have appeared in recent years have increased the level of risk associated with trade in certain animal products. Similarly, changing climatic conditions have led to significant changes in disease patterns and their spread. The emergence of bluetongue as a major cattle and sheep disease in Northern Europe and the pinewood nematode affecting pine tree across the Mediterranean are just two examples. There is also the risk that diseases previously considered non-existent in Europe, such as rift valley fever, could emerge.

Food and feed contamination, accidental or otherwise, is equally difficult to anticipate as poisoning may originate from new manufacturing processes, new patterns of consumption or fraudulent practices that pose a risk to human and animal health.

Technologies are also appearing and evolving such as biotechnology, nanotechnology and there are new generations of food and feed ingredients. Managing consumers' risk perception of these new technologies is becoming increasingly important due to their numerous applications in the food sector. Clear and objective messages about their safety, and of the suitability and effectiveness of the SPS requirements that apply, constitute an important element in overall controls, both in terms of import and otherwise.

Bio-terrorism, with the potential use of food borne viruses and pathogens to cause major risks to public and animal health, and to economic disruption, has increased the need for vigilance in controls on imports and on bio-security generally. This applies equally to the risks from illegal and fraudulent trade including the intentional contamination of foodstuffs.

4.3. Smarter Approaches

At a time when financial and other resources are increasingly scarce, it is imperative that control resources are employed in areas of most benefit to European citizens. This calls for a legislative framework that will promote a more harmonised approach to import controls across the EU and create a more transparent, up-to-date and effective system of import controls. There are also new information technologies, such as electronic certification, which can be utilised more fully. By developing a risk-based approach to physical inspections at BIPs and optimising the co-ordination between enforcement bodies, Member States will be able to target their resources more wisely. In so doing, the identification and deterrence of fraud and illegal imports also becomes easier.

Co-ordination between animal and public health controls at EU borders, covered by extensive EU legislation is not always easy to apply consistently and effectively. At a time where Smart Regulation is called for, fragmented legislation can lead to varying levels of interpretation and enforcement. This leads to difficulties for importers when presenting products for import, for the relevant enforcement authorities when seeking to adopt a harmonised approach and to trade in general. Third countries that find difficulty with accessing EU markets as a result, raise their concerns accordingly, including in the WTO.

5. MEASURES TO IMPROVE AND STRENGHTEN IMPORTS CONTROLS OF FOOD, FEED, ANIMALS AND PLANTS IN THE FUTURE

Given this complex and ever-changing environment, the EU must remain ever able to design, develop and implement appropriate responses to threats to food safety.

The current system, built on a risk and evidence-based approach to import controls, has worked well to date. It is however a system with different approaches towards the controls of food, feed, animals and plants which can be very complex for those implementing the controls. While the General Food Law and the Official Food and Feed Controls Regulation have brought about some overall coherence, this has however only been achieved by adding an additional layer of legislation.

There is a need, therefore, to streamline the control system in place by improving the assessment of risk and the consistency and efficiency of the mechanisms in place, without, however, questioning the basic assumptions upon which they are built. This should allow for more coherence and integration between the different control mechanisms in place.

5.1. Legislative Improvements

The General Food Law and the Official Food and Feed Controls Regulation will continue to provide the general framework for the control of foodstuffs and of other products of relevance for the food chain, while a number of new and innovative steps will be taken to consider how the current system can evolve towards a more efficient mechanism for the handling of coordinated import controls at EU borders. While most of these changes will be found in planned

amendments to the Official Food and Feed Controls Regulation, new animal health and plant health legislation is also under consideration.

5.1.1 Changes to the Official Food and Feed Controls Regulation are planned as part of the wider initiative to recast and simplify EU legislation - in the areas of food and feed safety, animal health, animal welfare and, in part, plant health – initiated in 2004. The aim is to ensure an integrated approach to official controls in all areas.

In force since January 2006, the overarching legislative framework established by this Regulation has proved to be able to support an integrated approach towards the performance of official controls along the food chain. The review of its provisions will consolidate this integrated approach by looking at the rules currently applicable to the financing of official controls, the rules applicable to controls on residues of veterinary medicines[12] and to the provisions applicable to veterinary controls on import of live animals and products of animal origin.[13] The review will also look at changes to be introduced to reflect the changes to the animal and plant health legislation under preparation and, more generally, will seek to simplify the existing frawework for enforcement cooperation within which the Commission and the Member States carry out their respective control activities. It will also seek to be consistent with the provisions of the new EU Modernised Customs Code due to enter into force in 2013.

In operational terms, this will require the improvement of current tools, and the possible development of new ones, to allow risk management decisions on imported products to fully take into account the risk profile of a given product, its associated hazard (the relevance of which may be evaluated with the assistance of EFSA) and origin. This will be supported by data mining and handling functions, and, a consistent and transparent process to determine import conditions and border controls.

5.1.2 The new Animal Health Law will be based on the Animal Health Strategy for 2007-2013 which provides the framework for animal health and welfare measures. This strategy, based on the principle that "prevention is better than cure", aims to put greater focus on precautionary measures, disease surveillance, controls and research, to reduce the incidence of animal disease and to minimise the impact of outbreaks. Existing legislation on animal health covers many different policy areas such as animal disease control, animal nutrition and animal welfare. It also contains rules on intra-EU trade and imports of animals and animal products. This series of interrelated policy actions will be replaced by a single regulatory framework which will converge with international standards. Furthermore, a harmonised EU framework for responsibility- and cost-sharing will be developed.

5.1.3 Similarly the EU's plant health regime will be reviewed to take account of new realities to protect the EU against the introduction and spread of

[12] Currently governed by the provisions of Directive 96/23/EC.

[13] Currently laid down in Council Directives 91/496/EEC and 97/78/EC respectively.

harmful organisms, to contribute to sustainable production, to ensure the competitiveness of the agriculture sector, to contribute to the protection of forests and landscapes, and, to contribute to food security. Various developments have taken place to justify a comprehensive evaluation of the regime, originally developed in the 1970s, including the enlargement of the EU, globalisation, climate change and a significant evolution of the scientific expertise underpinning the original plant health regime.

5.2. Non-legislative Improvements

The Commission's inspection service, the Food and Veterinary Office, will continue to work at the forefront, informing decisions taken with respect to risk and ensuring consistent follow-up to country and establishment listings.

TRACES will continue to be upgraded to adapt to changing realities and the advances made in technology to offer improved risk analysis. TRACES will be expanded to include new users, including third countries and operators. E-certification will also be introduced with view to streamlining the system and combating fraud.

RASFF and EUROPHYT will strive to ensure that their real-time information continues to be a useful tool in establishing risk and signalling the need for action when things go wrong. The concept underlying these data systems has the potential to become the start of a broader mechanism designed to ensure the traceability of border controls for all imports of food, feed, animals and plants.

The EU will also continue to dialogue with third countries both at a bilateral and multilateral level in order to ensure that SPS related concerns are dealt with in an open and transparent manner.

5.3. An Optimal Use of Resources

At times of resource constraints, efforts should be deployed to ensure the optimal allocation of the human and financial resources necessary for controls. Better coordination of proportionate and well-targeted control resources should allow for a more rigorous approach to import controls, enabling enforcement authorities to concentrate their efforts where the risk is higher. The over-imposition of checks on products low in risk, while other high risk products are allowed to enter the internal market unchecked, is a situation that the EU strives to avoid.

Member States' competent authorities and business operators must benefit from the simplification and consolidation of provisions related to official controls. This will allow for a more efficient use of the resources of operators and control authorities in the Member States and will increase the added value that an efficent EU-wide control system can bring. The benefits will also be felt by consumers with more efficient, risk-based and integrated official controls ensuring safety along the entire food chain. Relations with trading partners, and consequently trade, will also benefit.

6. CONCLUSIONS

While imports of food, feed, animals and plants aim to satisfy the demands of European businesses and consumers, the growth taking place in overall global

trade, increases the risk associated with these imports. The EU has an important role to play in addressing this risk.

It does this by assessing the risks associated with the import of a particular commodity and establishing the import conditions and controls that should apply so that the EU can ensure that imports of food, feed, animals and plants take place on safe grounds. The underlying principle is, at all times, that food on EU markets must be safe, irrespective of whether it is produced within the EU or imported from third countries.

The comprehensive body of harmonised legislation in place in the EU for high risk products, underpinned by a harmonised and risk-based approach to import controls, is pivotal in this respect. It prevents important safety concerns from materialising, it allows the EU to deal with emerging risks or emergency situations and it prevents serious distortions to trade.

The report shows that while this legislation effectively manages potential and actual risks, it is at times rather complex and lacking in overall coherence. This means it can be burdensome and lead to difficulties with implementation for Member States and business operators alike. The report also concludes that the tools available, in support of this legislation, can be implemented more consistently across the broad range of food chain products so as to ensure that all imported products are subject to conditions and controls directly proportionate to the risk they pose.

Therefore, while the Commission remains confident that no major overhaul of existing legislation is needed, it will – through the review and consolidation of various existing acts – strive to bring more coherence to import controls, particularly for the benefit of those who implement them. A more holistic approach will serve to reinforce the efficiency of the EU's import control regime, ensure an optimal allocation of resources and make it easier to promote and defend the EU regulatory model.

The European Commission is committed to ensuring the safety of all imported food, feed, animals and plants. It is also confident of its ability to continue, and enhance, the consistency and effectiveness of the import controls in place, in close co-operation with the Member States.