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HEALTH & CONSUMER PROTECTION DIRECTORATE-GENERAL
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FINAL REPORT

OF A MISSION TO

THE FAEROE ISLANDS

FROM 2 TO 5 MAY 2006 CONCERNING

IMPORT CONTROLS AND

BORDER INSPECTION POSTS

Please note that clarifications provided by the Competent Authorities of Faeroe Islands are given as footnotes in bold, italic type, to the relevant part of the report.



EXECUTIVE SUMMARY

This report describes the outcome of a mission carried out by the Food and Veterinary Office (FVO) to the Faeroe Islands, from 2 to 5 May 2006.

Its overall objectives were to evaluate the import control system in place for products of animal origin and live animals and to verify the application of EU requirements as laid down in the Protocol on Veterinary Matters between the EC, Denmark and the Faeroe Islands, in the three nationally approved BIPs.

The report concludes that a functioning import control system for commercial products of animal origin is in place and that the provisions of Decision No 1/2001 with respect to imports of live animals are applied.

Improvement was noted with respect to deficiencies noted in the last mission report, in particular regarding checks of manifests and development of a database to register imported consignments.

However, despite the efforts undertaken by the CCA/CA the following main conclusions have been made:

There is a delay in the application of the EU legislation mentioned in Decision No 1/2001, in particular that published or amended since the last mission in 2003, due to the lack of human resources. It cannot be ensured that all relevant information to carry out veterinary checks at the BIPs as required by EU legislation is provided to and from the Faeroe Islands due to the lack of participation in the RASFF and TRACES system.

The Faeroe Islands are not part of the EU customs union and national legislation shows discrepancies to requirements foreseen in EU legislation for veterinary import controls, in particular regarding identification and selection and customs supervision of consignments of live animals and POAO. This hampers the fully application of Community veterinary rules as required in Art. 1 (VI.) of the Protocol on Veterinary Matters.

Some deficiencies were noted for procedures and veterinary checks, due to the lack of easily accessible information in relation to updated EU requirements and the lack of ongoing training.

At present, due to the lack of storage facilities and incomplete equipment, the nationally approved BIP facilities at Kollafjørður, Fuglafjørður and Vágur do not fulfil all EU requirements of Decision 2001/812/EC. Despite that, the provisions stipulated in Art. 4.2 in Decision No 1/2001 do not reflect reality.

The report makes a number of recommendations addressed to the Faeroe Islands competent authorities, aimed at rectifying the identified shortcomings and/or further enhancing the control measures in place.

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TERMS AND ABBREVIATIONS USED IN THIS REPORT

Approval categories	Categories of live animals and animals products for the receipt of which BIPs are approved in accordance with Commission Decision 2001/881/EC, as follows:	
	HC	Products fit for human consumption
	NHC	Products not fit for human consumption
	E	Live animals: registered equidae (as defined in Council Directive 90/426/EEC)
	T	Temperature requirements (either frozen or chilled)
	(2)	Packed products only
	(3)	Fishery products only
BIP	Border Inspection Post as defined in Council Directives 97/78/EC and 91/496/EEC	
CA	Competent Authority	
CCA	Central Competent Authority	
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora	
CN-Code	The goods nomenclature code as laid down by Annex 1 to Council Regulation (EEC) No 2658/87 (i.e. the Combined Nomenclature)	
CVED	Common veterinary entry document for products of animal origin as laid down in Annex III to Commission Regulation (EC) No 136/2004 and for live animals as laid down in Annex I to Commission Regulation (EC) No 282/2004, as amended.	
CVO	Chief Veterinary Officer	
Decision on the consignment	The decision made by the official veterinarian at the BIP and entered on the CVED, as to the outcome of veterinary checks and the resulting fate of consignments.	
FVEA	Food-Veterinary and Environmental Agency (Levnedsmiddel-Miljø-og Veterinærstyrelsen)	
FVO	Food and Veterinary Office	
Hygienic necessities	Dispensers for soap, for disinfecting fluid or for single use hand towels at hand wash basin	
Kitchen waste	Kitchen waste from means of transport operating internationally	
Manifest	A document specifying in detail the items carried by boat, rail or aeroplane arriving in ports/rails/airports of destination for a specific destination.	
MTI	Ministry of Trade and Industry (Handels-og Erhvervsministeriet)	
NCTS	New Computerised Transit System	
POAO	Products of animal origin	
Positive list	List of commodities of animal origin linked to CN-codes which are subject to veterinary checks in BIPs, as specified in Commission Decision 2002/349/EC	
RASFF messages	Messages used in the Rapid Alert System for Food and Feed of the European Commission	
TRACES	TRAffic Control and Expert System introduced by Commission Decision 2004/292/EC	
VD	Veterinary Department (Veterinærafdelingen)	

1. INTRODUCTION

This mission to the Faeroe Islands took place from 2 to 5 May 2006. The mission team comprised two inspectors from the FVO. The mission was undertaken as part of the FVO's planned mission programme. During the mission, the inspection team was accompanied by representatives from the CCA, the Veterinary Department (VD) of the Ministry of Trade and Industry.

An opening meeting was held on 2 May 2006 with the representatives from the CCA. At this meeting, the inspection team confirmed the objectives of and itinerary for the mission. Additional information required for the satisfactory completion of the mission was requested and provided by the CCA.

2. OBJECTIVES AND SCOPE OF THE MISSION

The **objectives** of the mission were:

- to evaluate the import control system in place for commercial movement of live animals and products of animal origin, and to assess the implementation of measures regarding introduction of products of animal origin for personal consumption;
- to verify the application of EU requirements related to import controls on live animals and products of animal origin as agreed in Council Decision 97/126/EC^(a,1) and as far as required by the Council Decision 1999/778/EC^(b), and within this context to assess the implementation of the actions taken in response to the previous FVO mission;
- to evaluate the control system in place for non-commercial movement of pet animals, including birds;
- to verify the application of EU requirements related to controls on live pet animals, including birds as required by Regulation (EC) No 998/2003^(c) of the European Parliament and of the Council or other EU legislation related to veterinary import controls but not specifically mentioned in Decision 97/126/EC, e. g. Council Regulation (EC) No 338/97^(d) (CITES) and EU customs legislation. In this context, the result of the verification is given as information/finding, partly with conclusion but with no recommendation.
- to verify whether the relevant EU provisions in relation to infrastructure, equipment, hygiene, staffing and documentation are correctly applied at the three nationally approved BIPs on Faeroe Islands.

The mission **scope** covered the import control system at central and local level including different entry points, and the general elements of the systems put in place to prevent and detect illegal imports to give effect to EU rules on imports of products of animal origin and live animals.

In terms of the **criteria** applied, the assessment was undertaken against the requirements set out

- in Decision 97/126/EC, the protocol on veterinary matters of Decision 1999/778/EC and in Decision No 1/2001 of the EC – Faeroe Islands Joint Committee of 31 January 2001 (2001/127/EC)^(e), as well as in this context relevant,

⁽¹⁾ Legal acts quoted in this report are provided in Annex 1 and refer, where applicable to the last amended version.

in Council Directives 97/78/EC^(f), 91/496/EEC^(g), 85/73/EEC^(h), 2002/99/EC⁽ⁱ⁾ with the relevant implementing Regulations and Decisions and Commission Regulation (EC) No 745/2004^(j);

- in Regulation (EC) No 998/2003 and Commission Decision 2005/759/EC^(k).

In pursuit of these objectives, the following were visited/meetings were held with:

COMPETENT AUTHORITIES		Comments
Authority	Central	Opening and closing meetings
	Local	Meetings at the FVEA and in the course of visits to the proposed BIPs
Customs		On the spot visit in Tórshavn
Entry points	3	Three proposed and nationally approved port BIPs in Kollafjørður, Fuglafjørður and Vágur
“Free warehouse”	1	Approved in accordance with Art. 12 (4) of Directive 97/78/EC

3. LEGAL BASIS

The mission was carried out under the general provisions of Community legislation and in particular under the requirements of Art. 46 of Regulation (EC) No 882/2004 of the European Parliament and of the Council^(l).

The mission was carried out in agreement with the CCA.

4. BACKGROUND

In application of Decision 1999/778/EC and the Protocol on veterinary matters supplementing the Agreement between the European Community, of the one part, and the Government of Denmark and the Home Government of the Faeroe Islands, of the other part, Decision No 1/2001 stipulates that the Faeroe Islands undertake to apply the relevant Community rules for the imports of animals and animal products from third countries. In addition, the Faeroe Islands has to establish a border inspection post (BIP), located at Tórshavn, competent for animal products which for its operation requires the approval of the veterinary subgroup of the Joint Committee.

In May 2003, a mission took place in order to fulfil Art. 4 (2) of Decision No 1/2001, the results of which are described in DG(SANCO)/9172/2003-MR Final (hereafter: report 9172/2003) and are available on the Internet at:

http://ec.europa.eu/food/fvo/ir_search_en.cfm.

The report concluded that the import control system in place does not meet all the requirements set out in Decision No 1/2001 and that the proposed BIP at Kollafjørður port (established instead of a BIP located at Tórshavn) does not meet the requirements for approval with regard to the categories of approval sought as defined in Commission Decision 2001/881/EC^(m).

The CCA informed the FVO that - due to the request of importers - at present, in addition to the proposed BIP at Kollafjørður port, veterinary checks are also carried out at nationally approved BIPs at Vágur port and at Fuglafjørður port. Furthermore, it is planned to build a BIP for the category “E” (registered horses only) at Tórshavn Harbour.

The below table gives the details to this mission:

Location	Type	Approval categories as defined in Decision 2001/881/EC sought for	Consignments in 2005	Last visit FVO	Last report
Kollafjørður	port	HC-T(2), NHC (2)	75	05/2003	9172/2003
Fuglafjørður	port	HC-T(FR) (2) (3)	13	--	--
Vágur	port	HC-T(FR) (2) (3)	7	--	--

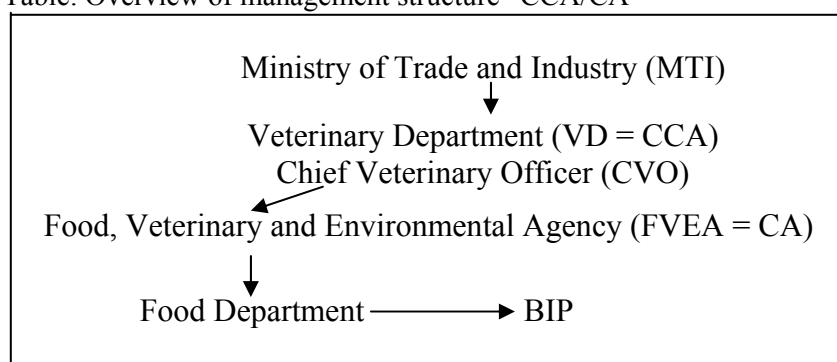
5. FINDINGS AND OBSERVATIONS

5.1. Competent Authorities

5.1.1. Management structure and organisation of CCA/CA

The management structure and organisation of the competent authorities for import controls in BIPs are as described in report 9172/2003.

Table: Overview of management structure “CCA/CA”



- Customs is responsible for checking personal luggage and private mail consignments as well as for initial checks of veterinary certificates or passports of non-commercial pet animals.
- The FVEA is responsible for controls on introduction of non-commercial pet animals and non-commercial pet birds. Customs informs the FVEA of animals noticed within their checks.

5.1.2. Allocation of competencies among CAs

- The FVEA is the only competent authority dealing with veterinary import controls for POAO or live animals. With respect to the application of legislation, it receives instructions directly from the VD of the MTI.

5.1.3. Staff and training

- At central level - VD - one veterinarian, the CVO⁽²⁾, deals with all veterinary issues, including supervision of import controls and the transposition/application of relevant EU legislation. The CCA stated that recruitment of additional experienced veterinary staff was not successful up to date.
- At the Food Department of the FVEA, six staff – in addition to other tasks - are dealing with import controls, one veterinarian and five fish inspectors. The latter

⁽²⁾ In their response to the draft report the Faeroese CCA noted that at central level, in addition to the CVO one jurist (batch jurist) is dealing with all veterinary issues.

ones have either an academic degree or a technical education. One of the fish inspectors is based at Vágur.

- The veterinarian and one fish inspector participated at a BIP seminar in Finland in autumn last year⁽³⁾. However, there is no training plan implemented which ensures that all BIP staff are provided with appropriate ongoing training in import controls as required in Art. 6 of Regulation (EC) No 882/2004.

5.2. Legislative and administrative provisions

5.2.1. Transposition/effectiveness and speed of application of EU legislation

The Faeroese legal system requires transposition into national law in order for EU legislation to be applicable and enforceable it.

The Act of Parliament No 16 of 23 February 2001 on Diseases of Animals (on Prevention and Eradication of Diseases of Animals and on Border Control of Animals and Animal Products) is the basic legal Faeroese framework to implement relevant EU legislation with regard to import controls as far as required by Decision No 1/2001.

- No comprehensive review of national legislation was undertaken since the last mission in order to transpose or fully implement relevant new or amended EU legislation covered at least partly by Decision No 1/2001, in particular Directive 2002/99/EC, Regulation (EC) No 1774/2002⁽ⁿ⁾ of the European Parliament and Council, Regulation (EC) No 998/2003, Regulation (EC) No 745/2004 and Safeguard Decisions.
- The findings described in report 9172/2003 regarding transposition of relevant EU legislation up to 2003 continue to exist.
- The Faeroe Islands do not apply Council Regulation (EC) No 338/97^(o) of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein, and do not list (1999/C 356/02^(p)) places of introduction and export designated by Member States for trade with third countries in accordance with Art. VIII (3) of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)⁽⁴⁾.
- The Faeroe Islands are not part of the EU customs union. The national legislation does not contain provisions which are required in EU legislation with respect to veterinary import controls. In particular no provisions are foreseen to ensure that:
 - BIPs are located within a customs designated area (Art. 6 of Directive 97/78/EC),
 - customs authorities do not allow the importation of consignments of products unless proof has been supplied that the relevant veterinary checks have been carried out with satisfactory results, the CVED has been issued, and that the competent authority has a guarantee that the inspection fees are paid (Art. 7 (3) of Directive 97/78/EC) and

⁽³⁾ *In their response to the draft report the Faeroese CCA noted that the veterinarian and the fish inspectors have received on the job training at BIPs in Denmark.*

⁽⁴⁾ *In their response to the draft report the Faeroese CCA stated that The Faroese Parliament (Løgting) and Government (Landsstýri) have not ratified the CITES Convention. The Veterinary Department has asked the Faroese Foreign Department (Uttanríkisdeildin) for the Faroese position concerning ratification of the CITES Convention.*

-- consignments, referred to in Art. 8 (4) first indent and Art. 11 (2)(c) first indent of Directive 97/78/EC, are transported under customs supervision from the BIP to the place of destination or the point of exit.

- Customs stated that the Faeroe Islands constitute one customs area and that national legislation allows – in contrast to the requirements of Art. 3 (1) of Directive 97/78/EC - unloading of consignments, including POAO, at any port of the Faeroe Islands, their transport to the place of destination on the Faeroe Islands and their customs clearance at this place⁽⁵⁾.
- Fees for fishery products checked in a BIP were collected as laid down in Departmental Order No 124 of 28 August 2001 on fees for veterinary inspection and control and in accordance with Annex A, Chapter III, Section II Point 2 to Directive 85/73/EEC. The fees have to be paid prior to issuing the CVEDs.
- The Faeroe Islands do not participate in the RASFF system and RASFF messages could neither be received nor dispatched by the CCA/CA.

5.2.2. *Administrative provisions for implementation*

- Working instructions including procedures for import control at the BIPs have been put in place. However, the mission team was informed by the FVEA that the instructions needed to be updated and that they do not contain references to relevant EU legislation.
- No administrative provisions have been put in place for the application of Regulation (EC) No 745/2004.

5.2.3. *Databases and distribution of documentation/information*

The TRACES system is not used to register relevant data regarding consignments received from third countries. The FVEA and the three nationally approved BIPs are connected to the national database “Doculive“ to register consignments. In addition, related documents, e.g. pre-notification, notification (first part of the CVED), captains’ declarations and records of the results of checks are scanned and filed in this database.

- However, transiting consignments are not registered in this database as required in Art. 1 of Commission Decision 97/394/EC⁽⁹⁾; the documents related to these consignments are filed at the FVEA.
- The database does not provide for a follow up of consignments for which the laboratory examination is outstanding or the result is unfavourable; it is incomplete regarding re-dispatched consignments.

The veterinarian responsible for import controls at the FVEA checks daily the internet page of the European Commission for publication of relevant EU legislation. In addition, the relevant implementing legislation of Denmark is checked.

- However, no procedure is in place to ensure that all BIP staff have an easy access to and knowledge about the relevant EU legislation.
- Documentation and records as required in paragraphs 3 and 4 of the Annex to Decision 2001/812/EC are available at the FVEA in Tórshavn but not at the nationally approved BIPs in Kollafjørður, Fuglafjørður and Vágur.

⁽⁵⁾ *In their response to the draft report the Faeroese CCA noted that according to national veterinary legislation POAO are only allowed to be imported via the BIP Kollafjørður, Fuglafjørður and Vágur.*

5.2.4. *Legal powers and sanctions*

- There are no legal powers to impose costs or penalties on passengers regarding illegal importation of POAO for personal consumption as provided for in Art. 4 (3) of Regulation (EC) No 745/2004.

5.3. **Import controls on commercial freight, in particular in BIPs**

Import controls for each consignment are carried out at different places. The pre-notification and the notification with the accompanying documents were received before arrival of the consignment at the FVEA in Tórshavn where the documentary checks are done and the bill for the veterinary fees is issued. The inspectors then have to travel to the relevant place of unloading. At the port of unloading (Kollafjørður, Fuglafjørður or Vágur) the identity checks and physical checks are carried out. The inspectors remain present at the ports until the consignment is completely unloaded. Back at the FVEA in Tórshavn, the payment of veterinary fees is checked and the CVED is issued.

5.3.1. *Identification and selection of consignments*

Since the last mission, the proposed BIPs had received consignments of frozen fish from Russia (all of them accompanied by a captain's declaration), sheep meat from Iceland and hay and straw from Iceland. For other imports of POAO or live animals from third countries to Faeroe Islands the veterinary checks were carried out at a BIP of a Member State.

The following system for identification and selection of consignments is in place:

- For pre-notifications and notifications the first part of the CVED is provided by the importer prior to the arrival of the ships.
- Identification and selection of consignments is, in effect, carried out by importers. In addition, manifests were received weekly from the airline company and the cargo shipping line companies and checked by the FVEA. No POAO or live animals from third countries were imported by these companies up to now. No manifests were received and checked from bulk vessels.
- As described in report 9172/2003, the CN-codes of animals and products listed in Commission Decision 2002/349/EC^(t) (the positive list) have not been incorporated into the customs clearance systems and customs does not have the possibility to verify the presence of CVEDs for all relevant consignments as required in Art. 7 (3) of Directive 97/78/EC.

5.3.2. *Veterinary checks*

- In addition to the BIP Kollafjørður, which is not located at Tórshavn as stipulated in Art. 4.2 in Decision No 1/2001, veterinary checks were carried out since 2003 at the nationally approved BIPs Fuglafjørður and Vágur. No request was forwarded by the CCA for approval by the veterinary subgroup of the Joint Committee for these two facilities. The mission team received layouts of these facilities during the mission.
- A notification for non-EU-conforming POAO was accepted indicating a significantly less gross weight than net weight.
- During documentary checks captain's declarations for direct landings of frozen fish were accepted, which were incompletely filled in (no origin, no quantities broken down by species and no intended method of marketing as required by Art. 4 (1) of Council Regulation (EC) No 1093/94^(s)). Furthermore, they were released

in contravention of Art. 4 (2) of this Regulation without any corrective action taken.

- In accordance with Commission Decision 94/360/EC^(t), a reduced check regime has been put in place. The decision to carry out physical checks is made before unloading of the consignment at the FVEA where also the records for the implementation of the reduced check system and records required by Art. 3 of the said Decision are kept. No records are available at the three nationally approved BIPs.
- No system has been put in place to carry out more stringent checks as required in Art. 24 of Directive 97/78/EC mainly due to the lack of information included in the RASFF and TRACES system.

5.3.3. *Monitoring plans for sampling imported consignments*

- As the national monitoring plan put in place by the FVEA does not include sampling of consignments of POAO presented for importation, such consignments are not submitted to a monitoring plan as required by Art. 1 (2) of Commission Regulation (EC) No 136/2004^(u). No samples for laboratory examination were taken in 2003, 2004 and 2005.

5.3.4. *Decision on the consignment*

- For consignments of meat, imported from Iceland, CVEDs, as required in Art. 3 (1) of Regulation (EC) No 136/2004 were issued at the proposed BIP Kollafjørður, as required in Art. 4 (1) of Decision No 1/2001. In order to ensure that these consignments, not mentioned under Chapter B of Decision No 1/2001, are not forwarded to Member States, in box 32 of the CVED, the remark “only for use in the Faeroe Islands” is inserted.
- For transiting consignments of non-EU-conforming fishery products - stored in a “free warehouse” which was approved in accordance with Art. 12 (4) of Directive 97/78/EC – the CVEDs which were issued for the outgoing consignments did not indicate in box 6 and 7 the “free warehouse” as place of origin but the previous origin “Russia”. Another CVED for the same type of consignment was issued, indicating a “transshipment” procedure in box 28 instead of the “transit” procedure in box 31. No confirmation that such consignments had left EU territory was received from one of the two exit BIPs indicated in the CVEDs.

5.3.5. *TRACES*

- The TRACES system is not implemented as foreseen in Art. 3 (2) of Decision No 1/2001 and as required by Commission Decision 2004/292/EC^(v).
- Due to the lack of implementation of the TRACES system, no information about rejected consignments from other BIPs was received on Faeroe Islands with exception of fax messages from Denmark, Iceland and Norway.
- To substitute for the lack of TRACES, information about consignments rejected by the nationally approved BIPs is forwarded by the FVEA via a fax message to the CCAs in other Member States. However, this fax list does not include the CCAs of the Member States which joined the EU on 1st May 2004.

5.4. Import controls on personal and non-commercial traffic

5.4.1. Personal luggage and mail

There is one airline and one shipping line which transport passengers to Faeroe Islands. Both of them depart either from airport or ports within the EU or the EEA.

- However, customs stated that they do not have knowledge about passengers transferring via an EU/EEA airport or port from a third country to Faeroe Islands.
- No list of European Community points of entry referred to in Art. 3 and 4 of Regulation (EC) No 745/2004 has been drawn up.
- Customs stated that they are present at the entry points at the airport and ports, including the mail entry point for postal consignments from third countries.
- At the entry points the relevant information (posters) as specified in Art. 3 of and Annex II to Regulation (EC) No 745/2004, is not provided for the passengers.

Customs carries out random checks on personal luggage or postal consignments. Selection is based on personal experience of the customs officer. In general, checks are carried out by physically opening the luggage and in addition, by using scanning equipment or sniffer dogs. The priority of these checks is the search for drugs.

- As Regulation (EC) No 745/2004 is not yet implemented, customs stated that they would not seize quantities less than 5 kg of meat or milk products from passengers or mail parcels.

5.4.2. Non-commercial pet animals

For movements of non-commercial pet animals (including birds) to Faeroe Islands national legislation is applicable⁽⁶⁾. An agreement exists between the FVEA, the airline and the shipping line not to allow the transport of these pet animals without a confirmation issued by FVEA that this import is permitted. Customs check the veterinary certificates or passports of dogs and cats and send a copy to the FVEA where they are checked and the final decision is taken. Clearly understandable information about the national requirements is provided for the owners of dogs or cats via the internet and a passport is required for dogs or cats as foreseen in Commission Decision 2003/803/EC^(w) or a national veterinary certificate containing similar information.

⁽⁶⁾ *In their response to the draft report the Faeroese CCA noted that the Faeroese legislation concerning imports of pet animals are laid down in Departmental Orders (No 14 and 15, both of 7 April 2004). The conditions for import include:*

- Import of pet animals is only allowed for people resident in the Faroe Islands (with exceptions for guiding dogs and police dogs), not for tourists.

- For all pet animals a health certificate issued by a veterinarian and legalized by an official veterinarian no earlier than 48 hours before departure. The EU passport for pet animals is accepted.

*- Dogs shall be ear-tagged or chip-tagged and vaccinated against rabies, canine distemper, infectious canine hepatitis, parainfluenzavirus, parvovirus and leptospirosis no later than one month and no earlier than 1 year before the import, and treated against *Echinococcus spp.* and other endo- and exoparasites no earlier than one week before the import.*

- Cats shall be vaccinated against rabies, feline panleukemia, feline viral rhinotracheitis and feline calicivirus no later than one month and no earlier than 1 year before the import, and treated against parasites as for dogs.

According to Dept. Order No 14 it is not allowed to import exotic animals that can be a threat to the Faroese fauna and flora if they escape from captivity. The import of ferrets will be forbidden due to the possible threaten to the Faroese bird cliffs.

- The national requirements do not reflect the provisions of Art. 8 of Regulation (EC) No 998/2003 regarding the differentiation of third countries with respect to their status of the risk of rabies. In addition, they do not require blood-testing for antibodies against rabies and the inclusion of other animals other than dogs and cats, e.g. ferrets.
- No lists have been drawn up of points of entry for pet animals, as required by Regulation (EC) No 998/2003 and for pet birds, as required by Decision 2005/759/EC.

5.5. Controls on transit, free and customs warehouses, ship suppliers

In accordance with national customs legislation, three “free zones” are approved for the temporary (up to three years) storage of consignments, including consignments of POAO. All three “free zones” are located within the storage facilities of private companies. Two of these storage facilities are also approved by the FVEA for the storage of EU-conforming POAO in accordance with national legislation.

The FVEA confirmed that at present no ship suppliers are registered in accordance with Art. 13 of Directive 97/78/EC.

The FVEA has approved one cold store as a “free warehouse” in accordance with Art. 12 (4) of Directive 97/78/EC to allow the storage of non-EU-conforming POAO. In this “free warehouse” non-EU-conforming Russian frozen fish destined for United States, Canada or China was/is stored. The following deficiencies were noted:

- Although the “free warehouse” is approved in accordance with Art. 12 (4) of Directive 97/78/EC, it is not authorised in accordance with national customs legislation as required in Art. 167 of Council Regulation (EEC) No 2913/92^(x) and is therefore not under customs supervision as required in Art. 168 of this Regulation.
- In the “free warehouse” not all requirements Art. 1 (5) and Art. 3 (2) of Commission Decision 2000/571/EC^(y) regarding labelling and registration of consignments were fulfilled although clearly requested in the updated approval document issued by the FVEA in February 2006.
- Veterinary checks were carried out in this “free warehouse” without follow up to rectify these deficiencies regarding labelling and registration of consignments.
- During the visit of the mission team, consignments of fish baits (frozen fish imported from Taiwan, labelled for “non human consumption”) were stored together with frozen fishery products intended for human consumption. The mission team was informed, that national food legislation allows the storage of fishery products for human consumption together with fish baits.

5.6. Controls on kitchen waste from international means of transport

At the port Tórshavn waste of international means of transport is collected in specific containers provided by a private company and transported by this company to the nearby incinerator which is approved nationally.

- As Regulation (EC) No 1774/2002 is not implemented, the application of the following requirements is not ensured: issuing of commercial documents for transport of category I material from the port to the place of destruction (Art. 7 and Annex II), collecting and transport in labelled containers/packages (Art. 4 (2) and Annex II Chapter I No 2), disinfection of the means of transport (Annex II Chapter II) and keeping of the records by all operators involved in collection,

disposal and destruction of kitchen waste (Art. 9 and Annex II, Chapter IV). However; the FVEA stated that in the incinerator such records were kept.

5.7. Supervisory systems

5.7.1. *Supervision, inspections and reporting*

- There is no system for supervision of the nationally approved BIPs in place. The mission team was informed, that it is planned to carry out internal audits within the FVEA regarding the import controls at the end of this year.

5.7.2. *Communication and co-operation between services*

Co-operation between the FVEA and the airline and shipping line companies has improved in relation to provision of manifests (see point 5.3.1).

- The FVEA stated that according to an oral agreement, customs informs BIP staff if POAO are imported/unloaded outside a BIP or without presence of BIP staff.
- The FVEA stated, that customs would give them access to their information about manifests if claimed to be necessary. However, at present no access to the customs database is established as provided for in Art. 7 of Regulation (EC) No 136/2004.

5.7.3. *Outcome and follow up of controls on personal luggage and mail*

- The CCA has not forwarded so far as required in Art. 5 (1) a report in accordance with Annex IV to Regulation (EC) No 745/2004 to the Commission for 2004 or for 2005.
- At present no use is made of the possibility provided for in Art. 4 (3) of Regulation (EC) No 745/2004 to make passengers liable for the cost of disposal and destruction of seized POAO.

5.7.4. *Outcome and follow up of controls on non-commercial pet animals*

- No statistics were provided to the mission team in relation to the number of pet animals checked by customs.
- In accordance with national legislation, dogs or cats which do not fulfil the import requirements can be sent to the country of origin, put under quarantine, treated or euthanatized⁽⁷⁾.

5.7.5. *Facilities outwith the BIPs*

- Within the FVEA an accredited laboratory for microbiological examination is available. The FVEA stated that samples which need examination other than microbiological testing are sent to a suitable accredited laboratory in a Member State.
- Two incinerators are available. The FVEA responsible also for environmental administrative tasks stated that although not formally approved, these incinerators would fulfil the requirements for an approval in accordance with Regulation (EC) No 1774/2002.

⁽⁷⁾ *In their response to the draft report the Faeroese CCA noted that these measures are taken on the cost of the owner of the animal.*

- No approved quarantine facilities in accordance with Commission Decision 2000/666/EC⁽²⁾ are available for imports of birds other than poultry.

5.8. Individual BIPs

5.8.1. *Facilities, equipment and hygiene in the nationally approved BIPs Kollafjørður, Fuglafjørður and Vágur (also detailed in ANNEX 2):*

- All the facilities fulfil the EU requirements regarding unloading area, inspection room, sampling room, office and social rooms with respect to the categories of approval sought. However, no storage facilities are provided for all the temperatures relevant to the approval categories sought (ambient, chilled or frozen) at Kollafjørður, Fuglafjørður and Vágur as required in Art. 4 of Commission Decision 2001/812/EC^(aa).
- At all three facilities, cleaning and maintenance are satisfactory and a cleaning programme has been put in place.
- A few minor deficiencies were noted regarding administrative, technical and hygienic equipment.

5.8.2. *A layout has been submitted for the planned BIP facilities for “E” at Tórshavn which was evaluated as follows⁽⁸⁾:*

- The CCA could not confirm that the BIP facilities are located in a customs area as required in Art. 6 (2) (b) of Directive 91/496/EEC.
- The layout does not indicate how it is ensured that the horses can be lead from the means of transport to the crush without a risk for staff or regarding animal welfare, how unloading of different means of transport can take place and which precautions are taken to prevent horses escaping.
- The layout does not exclude cross contamination as the access to and from the inspection room to the changing room and shower is only possible via the office.
- The room (no 4) of the layout for unloading, examination and watering/feeding of animals seems to be insufficient for all tasks and there is no indication where premises to house animals pending test results are located as foreseen in Art. 6 of Directive 91/496/EEC.
- The same system to carry out veterinary checks as described for Kollafjørður, Fuglafjørður and Vágur is planned for the facility at Tórshavn.

6. CONCLUSIONS

6.1. Legislation and administrative measures

1. The lack of human resources at central level has led to a significant delay in the application of EU legislation mentioned in Decision No 1/2001 and to discrepancies between national legislation and EU legislation (customs designated areas, gaps for identification and selection of consignments due to incomplete links of CN codes with the requirements for veterinary checks in customs clearance system, customs supervision of consignments of POAO and live animals) which do not ensure adequate application of import controls.

⁽⁸⁾ *In their response to the draft report the Faeroese CCA noted that a revised layout regarding the facilities for horses at Tórshavn Harbour has been forwarded to the FVO.*

2. As not all relevant information for the performance of veterinary checks at the BIPs as required by EU legislation is provided to and from the Faeroe Islands (RASFF and TRACES), the risk that POAO are introduced into the territory of the Faeroe Islands or the EU which have previously been rejected or have not undergone the re-inforced check regime cannot be excluded.
3. Due to the not or not fully implemented Regulations (EC) No 745/2004 and 998/2003, the import control system in place is incomplete with respect to imports of POAO for personal consumption in luggage of passengers or mail consignments and of non commercial pet animals.

6.2. Supervision/Management of system

1. The number of the nationally approved BIPs and the location of one of them is not as stipulated in Art. 4.2 of Decision No 1/2001.
2. A system for auditing the FVEA or the BIPs visited as required in Art. 4 (6) of Regulation (EC) No 882/2004 is not implemented.
3. Although co-operation between the FVEA and other involved authorities and companies has improved since the last mission, the agreed exchange of data between customs and FVEA (as required by Regulation (EC) No 136/2004) is not implemented.
4. The supervision of the “free warehouse” approved in accordance with Art. 12 (4) of Directive 97/78/EC does not ensure that all the requirements of Decision 2000/571/EC regarding storage, labelling and records of non-EU-conforming consignments are respected.
5. Systems for supervision and verification of the destruction of kitchen waste from international means of transport are not implemented in such a way that all the requirements of Regulation (EC) No 1774/2002 are fulfilled.

6.3. Import controls

1. Improvement was noted with respect to deficiencies noted in the last mission report, in particular regarding checks of manifests and development of a database to register imported consignments. However, due to the above mentioned discrepancies between national legislation and EU legislation there is a risk that consignments may bypass the BIPs without the appropriate veterinary checks. Taking into consideration that at present, - with relevance for the EU – only frozen fishery products are imported into the Faeroe Islands, the risk regarding animal health is not significant but a risk regarding public health cannot be fully excluded.
2. Due to the system to carry out veterinary checks for each consignment at different places, which differs from the requirements of Directive 97/78/EC and Decision 2001/812/EC, the lack of the TRACES system, the lack of storage facilities and the incomplete equipment, the nationally approved BIPs at Kollafjørður, Fuglafjørður and Vágur do not fulfil all the requirements to be in accordance with EU legislation.
3. Mainly due to the lack of easily accessible information in relation to updated EU requirements and the lack of ongoing training for all BIP staff, some deficiencies were noted for procedures and veterinary checks.

6.4. Overall conclusion

A functioning import control system for commercial products of animal origin is in place and that the provisions of Decision No 1/2001 with respect to imports of live animals are applied.

Improvement was noted with respect to deficiencies noted in the last mission report, in particular regarding checks of manifests and development of a database to register imported consignments.

However, despite the efforts undertaken by the CCA/CA the following main conclusions have been made:

There is a delay in the application of EU legislation mentioned in Decision No 1/2001, in particular that published or amended since the last mission in 2003, due to the lack of human resources. It cannot be ensured that all relevant information to carry out veterinary checks at the BIPs as required by EU legislation is provided to and from the Faeroe Islands due to the lack of participation in the RASFF and TRACES system.

The Faeroe Islands are not part of the EU customs union, and national legislation shows discrepancies to requirements foreseen in EU legislation for veterinary import controls, in particular regarding identification and selection and customs supervision of consignments of live animals and POAO. This hampers the fully application of Community veterinary rules as required in Art. 1 (VI.) of the Protocol on Veterinary Matters.

Some deficiencies were noted for procedures and veterinary checks, due to the lack of easily accessible information in relation to updated EU requirements and the lack of ongoing training.

At present, due to the lack of storage facilities and the incomplete equipment, the nationally approved BIP facilities at Kollafjørður, Fuglafjørður and Vágur do not fulfil all EU requirements of Decision 2001/812/EC. Despite that, the provisions stipulated in Art. 4.2 in Decision No 1/2001 do not reflect reality.

7. CLOSING MEETING

A closing meeting was held on 5 May 2006 with representatives from the CCA and FVEA. At this meeting, the main findings and the preliminary conclusions of the mission were presented by the inspection team.

In their response, the CCA and FVEA did not indicate disagreement with the initial findings and conclusions and stated that the application of Decision No 1/2001 has a high political priority and that a positive reaction has already been received from the responsible State Secretary⁽⁹⁾ to increase the human resources at the CCA.

8. RECOMMENDATIONS TO THE COMPETENT AUTHORITIES OF FAEROE ISLANDS

The competent authorities are invited to provide, within one month of receipt of the report, a response including an action plan setting out the actions planned/undertaken to satisfactorily address the recommendations set out in Annex 4, along with a timetable for completion of these actions, but which should not exceed the deadlines indicated.

⁽⁹⁾ *In their response to the draft report the Faeroese CCA clarified that the positive reaction has been received from the State Secretary in the Ministry of Trade and Industry.*

9. COMPETENT AUTHORITY RESPONSE TO RECOMMENDATIONS

The competent authority's response to the recommendations can be found at:

http://ec.europa.eu/comm/food/fvo/ap/ap_denmark_8060_2006.pdf

ANNEX 1: LEGAL REFERENCES

- (a) Council Decision 97/126/EC of 6 December 1996 concerning the conclusion of an agreement between the European Community, of the one part, and the Government of Denmark and the Home Government of the Faeroe Islands, of the other part - OJ L 53, 22.02.1997, p. 1
- (b) Council Decision 1999/778/EC of 15 November 1999 concerning the conclusion of a Protocol on veterinary matters supplementing the Agreement between the European Community, of the one part, and the Government of Denmark and the Home Government of the Faeroe Islands, of the other part – OJ L 305, 30.11.1999, p. 25
- (c) Regulation (EC) No 998/2003 of the European Parliament and of the Council of 26 May 2003 on the animal health requirements applicable to the non-commercial movement of pet animals and amending Council Directive 92/65/EEC - OJ L 146, 13.06.2003, p. 1
- (d) Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein – OJ L 61, 03.03.1997, p 1
- (e) Decision No 1/2001 of the EC-Faeroe Islands Joint Committee (2001/127/EC) of 31 January 2001 laying down the provisions to implement the Protocol on veterinary matters supplementing the Agreement between the European Community, of the one part, and the Government of Denmark and the Home Government of the Faeroe Islands, of the other part – OJ L 46, 16.02.2001, p. 24
- (f) Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries - OJ L 24, 30.01.1998, p 9
- (g) 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, 24.09.1991, p 56
- (h) Council Directive 85/73/EEC of 29 January 1985 on the financing of health inspections and controls of fresh meat and poultry meat - OJ L 32, 05.02.1985, p 14
- (i) Council Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption – OJ L 18, 23.01.2003, p 11
- (j) Commission Regulation (EC) No 745/2004 of 16 April 2004 laying down measures with regard to imports of products of animal origin for personal consumption – OJ L 122, 26.04.2004, p 1
- (k) Commission Decision 2005/759/EC of 27 October 2005 concerning certain protection measures in relation to highly pathogenic avian influenza in certain third countries and the movement from third countries of birds accompanying their owners – OJ L 285, 28.10.2005, p 52 (Corrigendum OJ L 291, 05.11.2005, p. 48)
- (l) 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 – (Corrigendum) OJ L 191, 28.05.2004, p 1
- (m) Commission Decision 2001/881/EC of 7 December 2001 drawing up a list of border inspection posts agreed for veterinary checks on animals and animal products from third countries and updating the detailed rules concerning the checks to be carried out by the experts of the Commission - OJ L 326, 11.12.2001, p 44
- (n) Regulation (EC) No 1774/2002 of the European Parliament and of the Council of 3 October 2002 laying down health rules concerning animal by-products not intended for human consumption – OJ L 273, 10.10.2002, p 1
- (o) Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein – OJ L 61, 03.03.1997, p 1
- (p) List (1999/C 356/02/EC) lists all places of introduction and export designated by Member States for trade with third countries in accordance with Article VIII (3) of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) – OJ C 356, 08.12.1999, p 37
- (q) Commission Decision 97/394/EC of 6 June 1997 establishing the minimum data required for the databases on animals and animal products brought into the Community– OJ L 164, 21.06.1997, p 42
- (r) Commission Decision 2002/349/EC of 26 April 2002 laying down the list of products to be examined at border inspection posts under Council Directive 97/78/EC – OJ L 121, 08.05.2002, p 6
- (s) Council Regulation (EC) No 1093/94 of 6 May 1994 setting the terms under which fishing vessels of a third country may land directly and market their catches at Community ports – OJ L 121, 12.05.1994, p. 3
- (t) Commission Decision 94/360/EC of 20 May 1994 on the reduced frequency of physical checks of consignments of certain products to be implemented from third countries, under Council Directive 90/675/EEC – OJ L 158, 25.06.1994, p. 41

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- (u) Commission Regulation (EC) No 136/2004 of 22 January 2004 laying down procedures for veterinary checks at Community border inspection posts on products imported from third countries – OJ L 21, 28.01.2004, p 11
 - (v) Commission Decision 2004/292/EC of 30 March 2004 on the introduction of the Traces system and amending Decision 92/486/EEC – OJ L 94, 31.03.2004, p. 63
 - (w) Commission Decision 2003/803/EC of 26 November 2003 establishing a model passport for the intra-Community movements of dogs, cats and ferrets – OJ L 312, 27.11.2003, p. 1
 - (x) Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code – OJ L 302, 19.10.1992, p. 1
 - (y) Commission Decision 2000/571/EC of 8 September 2000 laying down the methods of veterinary checks for products from third countries destined for introduction into free zones, free warehouses, customs warehouses or operators supplying cross border means of sea transport – OJ L 240, 23.09.2000, p 14
 - (z) Commission Decision 2000/666/EC of 16 October 2000 laying down the animal health requirements and the veterinary certification for the import of birds, other than poultry and the conditions for quarantine – OJ L 278 31.10.2000, p 26
 - (aa) Commission Decision 2001/812/EC of 21 November 2001 laying down the requirements for the approval of border inspection posts responsible for veterinary checks on products introduced into the Community from third countries – OJ L 306, 23.11.2001, p 28

ANNEX 2 BIP INSPECTION RECORD

1. Border Inspection Post details	Date: 03.05.2006	Date: 03.05.2006	Date: 04.05.2006
1.1. Name	Fuglafjörður	Kollafjörður	Vágur
1.2. Type	Port	Port	Port
1.3. Inspection centres	--	--	--
1.4. Approval sought / nationally approved for	HC-T(FR) (2) (3) / T(FR) (2)	HC-T (2), NHC (2) / HC-T(2), NHC-T (2,3)	HC-T(FR) (2) (3) / T (2) (3)
1.5. Consignments	Frozen fishery products were received from Russia.	Frozen fishery products were received from Russia, sheep meat from Iceland and hay and straw from Iceland.	Frozen non-EU-conforming fishery products were received from Russia to be stored in a nationally approved "free warehouse" with final destination United States, Canada or China.
2. Facilities and infra-structure	Observations Fuglafjörður	Observations Kollafjörður	Observations Vágur
2.1 Staff - veterinarians and auxiliaries - opening hours - participation in training	1 veterinarian, 5 fish inspectors, all full-time. Working hours at the BIPs on request during the unloading of the ships. The veterinarian and one of the fish inspectors participated in a seminar in Finland in autumn 2005.		
2.2 Facilities	The BIPs are not located in a customs designated area. No storage facilities at temperatures relevant to the approval categories or the exclusive use of the BIPs are provided. All other required rooms were present.		
2.3 Equipment - administrative equipment - technical equipment - documentation and records	Administrative (photocopier) and technical equipment (e.g. ph-meter) not complete. Documentation and records incomplete.	Administrative equipment complete. Technical equipment not complete (e.g. ph-meter). Documentation and records incomplete.	Administrative equipment complete. Technical equipment not complete (e.g. ph-meter, transport boxes, fridge). Documentation and records incomplete.
2.4 Operational hygiene	Cleaning and maintenance satisfactory. A cleaning, and disinfection program was in place.	Cleaning and maintenance satisfactory. A cleaning, and disinfection program was in place.	Cleaning and maintenance satisfactory. No disinfection fluid was provided. A cleaning, and disinfection program was in place.
Overall assessment	Fuglafjörður	Kollafjörður	Vágur
- Compliance with EU requirements - Categories of approval	Not in compliance with EU-requirements for an approved BIP due to the lack of storage facilities and the incomplete equipment.		
	After rectification of the deficiencies noted suitable for HC-T(FR) (2) (3).	After rectification of the deficiencies noted suitable in accordance with Art. 4 (5) of Decision 2001/812/EC for HC-T (2), NHC (2).	After rectification of the deficiencies noted suitable for HC-T(FR) (2) (3).

ANNEX 3: STATISTICS

Breakdown of imports and transits from third countries entering the BIPs:

Fuglafjörður	2004			2005		
	Total No.	Rejected	Lab. Tests	Total No.	Rejected	Lab. Tests
HC total	1	0	0	13	0	0
frozen	1	0	0	13	0	0
Total products	1	0	0	13	0	0

No exiting transit or transhipped consignments were registered for 2004 and 2005.

Kollafjörður	2003			2004			2005		
	Total No.	Rejected	Lab. Tests	Total No.	Rejected	Lab. Tests	Total No.	Rejected	Lab. Tests
HC total	48	7	0	25	3	0	61	3	0
chilled	No such consignments were received								
frozen	48	7	0	25	3	0	61	3	0
NHC total	0	0	0	1	0	0	14	0	0
ambient	0	0	0	1	0	0	14	0	0
chilled	No such consignments were received								
frozen	No such consignments were received								
Total products	48	7	0	26	3	0	75	3	0

In addition exiting transit consignments were registered for 2003 (4), 2004 (2) and 2005 (3).

Vágur	2003			2005		
	Total No.	Rejected	Lab. Tests	Total No.	Rejected	Lab. Tests
HC total	6	1	0	7	0	0
frozen	6	1	0	7	0	0
Total products	6	1	0	7	0	0

Due to a temporary withdrawal of the national approval, no consignments were received in 2004.

ANNEX 4: RECOMMENDATIONS TO THE COMPETENT AUTHORITIES OF FAEROE ISLANDS

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<p>With regard to legislation and administrative measures: (deadline for completion: 3 months of the receipt of final translated report – Art. 6 of Decision 2001/812/EC)</p>
<p>1. To review national legislation in order to ensure the full application of all EU legislation mentioned in Decision No 1/2001, in particular EU legislation amended or published since the last mission.</p>
<p>2. To review national legislation in force in order to enable the full application of all relevant EU legislation mentioned in Art. 1 (VI.) of the Protocol on Veterinary Matters of Decision 1999/778/EC.</p>
<p>3. To maintain and develop existing administrative and supporting measures so as to ensure prompt alignment of the import control system with EU requirements, in particular with respect to the implementation of Regulation (EC) No 745/2004, Decision 2004/292/EC (TRACES system) and Safeguard Decisions.</p>
<p>With regard to supervisions/management of and the import control system: (deadline for completion: 3 months of the receipt of final translated report – Art. 6 of Decision 2001/812/EC)</p>
<p>4. To review veterinary staffing at central level in order to ensure that all relevant EU legislation as mentioned in the Decision No 1/2001 is timely applied and in order to fulfil the requirement of Art. 1 (VI.) of the Protocol on Veterinary Matters of Decision 1999/778/EC.</p>
<p>5. To implement a system for auditing the FVEA, the BIPs and import controls as required in Regulation (EC) No 882/2004.</p>
<p>6. To further develop and improve co-operation with the bodies involved in import controls (particularly customs) so as to ensure that controls over import, transshipment or transit of POAO are in accordance with EU requirements, in particular regarding customs supervision and identification and selection of consignments as required in Directive 97/78/EC and the access or exchange of relevant information as required in Regulation (EC) No 136/2004.</p>
<p>7. To further improve supervision of the free warehouse to ensure that non-EU-conforming POAO were stored, labelled and recorded in accordance with Art. 12 (4) of Directive 97/78/EC and Decision 2000/571/EC.</p>
<p>8. To ensure that all officials who are responsible for veterinary checks are provided with easily accessible information of relevant EU legislation and appropriate ongoing training as required in Regulation (EC) No 882/2004.</p>
<p>9. To rectify the deficiencies noted with respect to Decision 2001/812/EC for equipment in the facilities visited at Fuglafjørður, Kollafjørður and Vágur.</p>
<p>10. To ensure that the requirements for collection, transport and records for destruction of kitchen waste from international means of transport are implemented as laid down in Regulation (EC) No 1774/2002.</p>
<p>With regard to the infrastructure of the facilities visited deadline for completion: (6 months of the receipt of final translated report – Art. 6 of Decision 2001/812/EC)</p>
<p>11. To rectify the deficiencies noted with respect to Decision 2001/812/EC for the facilities visited at Fuglafjørður, Kollafjørður and Vágur, in particular concerning the storage rooms.</p>