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Republic of Latvia

Cabinet

Regulation No 147

Adopted 18 March 2004

Procedures for the Veterinary Check of Products of Animal Origin upon Introduction from Third Countries into Latvia

*Issued pursuant to
Section 53, Paragraph one,
Clauses 3 and 4 of
the Veterinary Medicine Law*

I. General Provisions

1. These Regulations prescribe the procedures by which veterinary checks of products introduced into the territory of Latvia from third countries or transported through the territory of Latvia to a Member State of the European Union are performed, as well as the requirements for the arrangement of border inspection posts where veterinary checks are performed and the procedures for the recognition of such border inspection posts.

2. Terms used in these Regulations:

2.1. **third country** – a country which is not a Member State of the European Union;

2.2. **veterinary check** – any physical check or administrative procedures applied to products of animal origin in order to either directly or indirectly protect the public or animal health;

2.3. **products** – products of animal origin and vegetable products referred to in Commission Regulation No.136/2004/EC of 22 January 2004 laying down procedures for veterinary checks at Community border inspection posts on products imported from third countries;

2.4. **documentary check** – a check of the veterinary (health) certificate, veterinary document or other accompanying documents;

2.5. **identity check** – visual inspection of a product to ascertain the compliance of the content and labelling thereof with the information referred to in the veterinary (health) certificate or other accompanying veterinary document;

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2.6. **physical check** – a check on the product, which includes a check of the means of transport, packaging and temperature, as well as the taking of a sample for analysis and laboratory investigation;

2.7. **person responsible for the load** – a person or a representative thereof who, in accordance with Council Regulation No. 2913/92/EEC of 12 October 1992 establishing the Community Customs Code (hereinafter – Council Regulation 2913/92/EEC) shall be responsible for it while it is under customs supervision;

2.8. **load** - a quantity of products of the same type conveyed by the same means of transport and from the same third country or same part of a third country, and it is so verified by the same veterinary (health) certificate or veterinary document or other documents in compliance with the requirements specified in regulatory enactments;

2.9. **border inspection post** – in accordance with these Regulations a recognised and appropriately equipped inspection post at which a veterinary check on those products introduced into the territory of the European Union from third countries is performed;

2.10. **establishment** – an undertaking engaged in the production, storage, and processing of products or which performs other operations with them;

2.11. **import** – delivery of loads to the European Union in order to release products for free circulation in accordance with Article 79 of Council Regulation 2913/92/EEC;

2.12. **the use of goods approved in the customs regulations** – usage or utilisation of the procedures approved by Customs, as specified in Article 4 (15) of Council Regulation 2913/92/EEC;

2.13. **importation requirements** – veterinary requirements for products, which are being released for free circulation;

2.14. **competent authority** – the Sanitary Border Inspection of the Food and Veterinary Service which performs the State veterinary supervision and control;

2.15. **official veterinarian** - a veterinary expert (veterinarian) of the Sanitary Border Inspection of the Food and Veterinary Service who is authorised to perform control in the veterinary field: and

2.16. **competent authority of a Member State of the European Union** – an authority, which performs veterinary border checks in the relevant Member State of the European Union.

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3. These Regulations do not apply to products:

3.1. which form part of the personal luggage of a traveller and are intended for personal consumption and do not exceed the amount specified in accordance with regulatory enactments, provided that the products come from the European Union, a third country or part of a third country from which introduction is not prohibited, and the third country or part of the third country is included on the list of those countries from which the importation of products of animal origin is permitted;

3.2. which are sent in the form of a postal item to private individuals, if such products are not introduced for commercial purposes and the amount thereof does not exceed the amount specified in regulatory enactments regarding the introduction of products, as well as if the products are from such third country or parts of the third country included on the list of those countries from which importation is not prohibited;

3.3. which are in an international vehicle and are intended for the consumption of the crew or travelling public, and they are not unloaded into the territory of the European Union. If these products or the waste therefrom are unloaded, they must be destroyed. Products shall not be destroyed in such case where they are transferred at the same port from one international vehicle to another under the supervision of customs; and

3.4. which have undergone heat treatment in a hermetically sealed container to an FO value of 3.00 or more:

3.4.1. which form part of a travellers' personal luggage and are intended for their personal consumption; and

3.4.2. which are sent as small loads to private individuals, provided that such products are not intended for commercial purposes;

3.5. which are sent as trade samples or are intended for exhibitions, provided that they are not intended to be marketed and the importation thereof has been authorised in advance by the competent authority; and

3.6. which are intended for particular studies or analyses and it is possible to determine during the veterinary check that such products are not being supplied for human consumption and that after closing the exhibition or when the particular studies or analyses have been completed, these products, with the exception of the samples that have been used in the analyses, are destroyed or re-dispatched in accordance with the conditions been specified by the competent authority. In such a case, as well as in the case referred to in Sub-paragraph 3.5 of these Regulations, the competent authority shall ensure that the relevant products may not be used for purposes other than those for which they were intended upon importation into the territory of the European Union.

4. Paragraph 3 of these Regulations does not apply to the importation of fresh meat, meat products, milk and milk products in accordance with 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.

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5. In order to ensure the uniform application and implementation of the requirements of these Regulations, the Food and Veterinary Service together with the veterinary experts of the European Commission shall perform the necessary inspections and the competent authority shall provide the veterinary experts of the European Commission with the assistance necessary for the performance of the tasks.

II. Organisation of Veterinary Checks

6. Loads from third countries may not be introduced into Latvia if the official veterinarian at the border inspection post has not performed a veterinary check in accordance with the requirements of these Regulations.

7. Loads from third countries shall be introduced into Latvia through a border inspection post, which has been included on the list of approved posts published in the Official Journal of the European Union.

8. Within the territory of Latvia, the person responsible for the load shall, at least 24 hours in advance, provide information to the official veterinarian who is responsible for veterinary checks at the border inspection post through which the introduction of the load is intended, by completing the common veterinary entry document and sending, either in writing or by electronically information regarding the load in accordance with Commission Regulation No. 136/2004/EC, including regarding the products and product checks, which are referred to in Paragraphs 36 and 37 of these Regulations.

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9. The official veterinarian may perform a documentary check of vessels and aircraft in order to compare whether they comply with the documents submitted.

10. A customs official within whose territory of supervision the border inspection post is located shall draw up for any sent goods a use of goods recognised in the customs regulations in accordance with the decision specified in the common veterinary entry document referred to in Paragraph 17 of these Regulations .

11. The official veterinarian shall, on the basis of Paragraph 8 of these Regulations, compare each load with the information in the database, as referred to in Annexes 1 and 2, to the Council Decision 92/438/EEC of 13 July 1993 on the computerisation of veterinary import procedures (Shift project), amending Directives 90/675/EEC, 91/496/EEC, 91/628/EEC and Decision 90/424/EEC, and repealing Decision 88/192/EEC (hereinafter – Council Decision 92/438/EEC) regarding the computerisation of veterinary border control procedures.

12. The official veterinarian shall ensure the maintenance of the database referred to in Council Decision 92/438/EEC.

13. The official veterinarian shall perform a veterinary check of the products, which shall consist of the following checks at the border inspection post:

13.1. a documentary check;

13.2. an identity check; and

13.3. a physical check.

14. The official veterinarian shall, irrespective of the use of goods approved in the customs regulations, perform a documentary check of each load in order to determine:

14.1. whether the information indicated in the original veterinary (health) certificate, veterinary documents or other accompanying documents for the load complies with the information provided in accordance with Paragraph 8 of these Regulations; and

14.2. whether the information indicated in the veterinary (health) certificate, veterinary documents and other accompanying documents of the load regarding products, which are intended to be released for free circulation conform to requirements referred to in regulatory enactments regarding the circulation of animal and animal origin products and procedures by which veterinary (health) certificates are submitted.

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15. The official veterinarian (except in cases where the load introduced from a third country is being reloaded in the territory of Latvia and the load is being taken back) shall perform:

15.1. an identity check on each load in order to ascertain that the product content and labelling conforms to the information, which is provided in the veterinary (health) certificate, veterinary documents and other accompanying documents of the load. Apart from checks, which are performed on bulk loads in accordance with regulatory enactments regarding veterinary requirements for the marketing of animal origin products, as well as the requirements of 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 (hereinafter – Regulation 1774/2002/EC of the European Parliament and Council). During identity checks:

15.1.1. the containers in which the products of animal origin are being introduced shall be checked and it shall be verified whether the safeguarding (security)

device for the load stowed by the official veterinarian or the competent authority has not been damaged, and whether the information indicated conforms with the information provided in the attached veterinary (health) certificate, veterinary documents and other accompanying documents; and

15.1.2. in other cases:

15.1.2.1. the presence of the seal, special labelling, health and identification labelling and the compliance thereof with those ones indicated on the veterinary (health) certificate, veterinary documents, or other accompanying documents shall be verified for all types of products;

15.1.2.2. the health labelling shall be checked on all wrapped or packaged products in compliance with the requirements of the labelling of products of animal origin; and

15.2. pursuant to the requirements referred to in Paragraph 16 of these Regulations, a physical check of each load shall be performed:

15.2.1. in order to ascertain that the products comply with the requirements specified in regulatory enactments and are in a fit state to be used for the purpose specified in the veterinary (health) certificate, veterinary documents, or other accompanying documents;

15.2.2. upon the performance of laboratory tests or on the basis of the sampling frequency determined by the Food and Veterinary Service, by taking samples in order to obtain the necessary results of analysis as soon as possible; and

15.2.3. in compliance with the requirements of Annex 2 to these Regulations.

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16. The competent authority shall, upon the performance of the physical check on the load, comply with the requirements of Commission Decision 94/360/EC of 20 May 1994 on the reduced frequency of physical checks of loads of certain products from third countries to be implemented in accordance with Council Directive 90/675/EEC regarding the reduction of physical checks of products imported from third countries.

17. Upon completing the necessary veterinary check, the official veterinarian shall issue the common veterinary entry document verifying the results of the check, in order to enable the sending of the relevant products in compliance with the special sample referred to in Annex 3 of Commission Regulation 136/2004/EC laying down procedures for veterinary checks at Community border inspection posts on products imported from third countries.

18. The common veterinary entry document shall remain with the load:

18.1. for as long as the load is under customs supervision and in such a case, the common veterinary entry document shall contain a reference to the customs document; and

18.2. if the products have been released for free circulation – up until the first undertaking, which is involved in one of the stages of the circulation of food.

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19. If a load is divided into several parts, the common veterinary entry document shall be issued separately for each part of the load and it shall accompany the load in compliance with Paragraphs 17 and 18 of these Regulations.

20. Each load intended to be introduced into the territory of Latvia shall be accompanied by the originals of the veterinary (health) certificate or veterinary documents, or by the originals

of other documents specified in regulatory enactments which, after the veterinary check of the load, shall be kept by the competent authority at the border inspection post.

21. If the load complies with the importation requirements, the official veterinarian shall, on the basis of the veterinary check performed at the border inspection post, issue the person responsible for the load a copy of the veterinary (health) certificate for the load and the common veterinary entry document referred to in Paragraph 17 of these Regulations, specifying that the load complies with the veterinary importation requirements.

22. An identity check and a physical check of the load shall be performed on each load which is brought from a third country and which is intended for importation into the territory of Latvia in compliance with the requirements referred to in Paragraph 15 of these Regulations, taking into account the requirements referred to in 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 (hereinafter – Regulation (EC) No. 882/2004 of the European Parliament and of the Council) and Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption.

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23. Customs authorities shall permit the load to be imported if, without restricting the requirements of customs regulations, the common veterinary entry document with a notation that the load may be imported for free circulation and a certification that the fee for the performed veterinary check has been or will be covered has been submitted.

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24. An identity check and a physical check shall be performed on the products the use of which is not recognised as complying with Paragraphs 20, 21, 22 and 23 of these Regulations (unless they are destroyed or sent back), in order to determine the compliance thereof with importation requirements.

25. The border inspection post at which the control of the products of animal origin is being performed shall comply with the following requirements:

25.1. it shall be located in the vicinity of a border crossing point into Latvia, in an area which is designated by the customs authority in accordance with Paragraph (1), Subparagraphs (a) and (b) of Council Regulation (EEC) No. 2913/92. Where necessitated by geographical constraints (unloading at a landing stage or a pass), a border inspection post may be located a certain distance from the border crossing point and, in the case of rail transport, it may be located at the station of receipt and handing over station which shall be specified by the Food and Veterinary Service; and

25.2. the border inspection post shall be under the supervision of the official veterinarian, who shall be responsible for the veterinary check and the updating of the database. The official veterinarian may be assisted by specially trained technical staff who shall work under the supervision of the official veterinarian.

26. In order to include a border inspection post on the list of approved posts, it must comply with the requirements of these Regulations and experts of the European Commission, co-operating with the Food and Veterinary Service, shall have examined it.

27. The list of approved border inspection posts located within the territory of Latvia shall be drawn up pursuant to the requirements of the European Commission and the following amendments may be made therein:

27.1. to supplement it with a new border inspection post:

27.1.1. if so proposed by the Food and Veterinary Service; and

27.1.2. if the requirements referred to in Paragraph 26 of these Regulations have been fulfilled; and

27.2. to delete a border inspection post from the list, if the Food and Veterinary Service determines during the examination that it fails to comply with the requirements referred to in Annex 1 of these Regulations or after the inspections performed by the European Commission during a specified time period referred to in Paragraph 5 of these Regulations, where the results of an inspection have not been taken into consideration, especially in a case where a serious threat to public or animal health has been determined during the inspections.

28. The Food and Veterinary Service may, on grounds of consideration for the protection of human or animal health, suspend the operation of a border inspection post, immediately informing the European Commission and other Member States of the European Union regarding the suspension of operations and the reasons therefor. A border inspection post, upon the rectification of the infringements determined therein, may repeatedly be included on the list in compliance with the requirements referred to in Sub-paragraph 27.1 of these Regulations.

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29. The official veterinarian shall send additional information to the Food and Veterinary Service or to the control body of a Member State of the European Union which is entitled to perform supervision of the establishment of the consignee by using the electronic information exchange system (hereinafter – TRACES), if:

29.1. the products are intended for Latvia or another Member State of the European Union or for a part of the country for which special requirements are specified in regulatory enactments;

29.2. samples have been taken but the results are not known at the time when the means of transport is leaving the border inspection post; and

29.3. the importation of the products intended for specific purposes, in accordance with regulatory enactments regulating the circulation of products of animal origin, is being planned into Latvia or another Member State of the European Union or a part thereof.

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30. The official veterinarian shall perform a documentary, identity and physical check on each load referred to in Sub-paragraphs 29.1 and 29.3 of these Regulations destined for another Member State of the European Union, but imported through a border inspection post located in the Republic of Latvia, in compliance with Paragraphs 14 and 15 of these Regulations, in order to verify the compliance of the relevant load with the requirements specified in regulatory enactments applied in the Member State of destination or in a part of such state.

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31. Furred wild game imported unskinned shall undergo an identity and physical check irrespective of the health check performed, in addition to a residue search, as provided for in regulatory enactments regarding the control of residue substances and regulatory enactments regarding rules of hygiene, processing and preparation for the distribution of wild game meat.

The meat, accompanied by a common veterinary entry document, shall be delivered to the destination establishment under customs supervision in accordance with Sub-paragraph 37.1 of these Regulations. The results of the check shall be forwarded to the competent authority responsible for the border inspection post into which the products were imported. Taking into account the results of the check, the measures referred to in Paragraphs 85 and 86 of these Regulations may be implemented.

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32. If the products referred to in Sub-paragraphs 29.1 and 29.3 of these Regulations are being imported through a border inspection post located in the Republic of Latvia, but the end destination thereof is another Member State of the European Union, the competent authority shall, in accordance with its competence, take all measures in order to ensure that the relevant product reaches the intended destination Member State.

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33. Products the supervision of which is being performed in accordance with the regulatory enactments at a border inspection post through which the load is being imported into the territory of the European Union shall be delivered to the destination establishment in accordance with the following procedures:

33.1. loads shall be dispatched from the border inspection post through which the load is being imported into the territory of the European Union to the destination establishment under the supervision of the competent authority in leak-proof vehicles or containers sealed by the competent authority. The products referred to in Paragraph 29 of these Regulations shall be dispatched under customs supervision to the destination together with the T5 control copy approved by a customs official and together with the common veterinary entry document referred to in Paragraph 17 of these Regulations specifying the destination of the load, as well as, if appropriate, citing the type of processing intended;

33.2. the official veterinarian at the relevant border inspection post shall, by using the TRACES network, inform the Food and Veterinary Service or the veterinary authority of the Member State of the European Union which is responsible for the destination establishment of the load regarding the place of origin and the destination thereof;

33.3. the products in the destination establishment shall be subject to treatment; and

33.4. the management of the destination establishment or the intermediate warehouse shall inform the official veterinarian at the place of destination or, in cases provided for in Article 5, Clause 3 of Regulation 1774/2002/EC of the European Parliament and Council – the veterinarian responsible for the intermediate warehouse regarding the arrival of the product at the destination. The responsible veterinarian shall, within a period of 15 days, inform the official veterinarian at the border inspection post who notified him regarding the shipment. The official veterinarian or the veterinarian responsible for the intermediate warehouse shall perform regular checks in order to ensure that the products have arrived at the destination establishment and check the entries regarding the arrived shipments.

34. If a competent authority of a border inspection post has proof that the products of an establishment approved by the Food and Veterinary Service, which have been declared in accordance with the procedures specified in regulatory enactments, have not arrived at the destination, the competent authority may apply the administrative sanctions specified in regulatory enactments to the person responsible for the load.

35. The Food and Veterinary Service shall submit to the European Commission a list of establishments approved by the Food and Veterinary Service.

III. Requirements for Transshipment of Products

36. An identity and physical check of the load been imported at a border inspection post, but which is intended to be released for free circulation through another border inspection post located in the territory of Latvia or another Member State of the European Union, shall be performed at the border inspection post of the destination, if the carriage has been carried out using an aircraft or vessel.

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37. The following checks shall be performed at the border inspection post through which the load is being imported into the territory of Latvia:

37.1. if the load is being transhipped from one aircraft to another or from one vessel to another within the customs area of the same port or airport either directly or after being unloaded in the territory of the port or airport for a time period shorter than the minimum period referred to in Sub-paragraph 37.2.1 of these Regulations, the person who is responsible for the load shall inform the competent authority. In exceptional cases, if there is a risk to human or animal health, the competent authority may perform a documentary check of the load on the basis of the certificate of origin or the veterinary document, or the original or copy of any other document attached to the relevant load; and

37.2. if the load is being unloaded from an aircraft or vessel:

37.2.1. the load shall be stored for the maximum and minimum time period laid down in Commission Decision 2000/25/EC of 16 December 1999 concerning the transshipment of products at a border inspection post if they are intended to be introduced into the European Union, under the supervision of the competent authority, in the customs area of the port or airport pending forwarding to another border inspection post by aircraft or vessel;

37.2.2. the documentary check referred to in Sub-paragraph 37.1 of these Regulations shall be performed; and

37.2.3. if there is a possible threat to human or animal health, the identity and physical check of the load shall be performed.

IV. Control of Transit Loads

38. Pursuant to the requirements of those Member States of the European Union through which transit loads are being shipped, the competent authority shall authorise the shipment of the load from one third country to another if:

38.1. the load is being shipped from a third country from which the introduction of products into the territory of the European Union is not prohibited, and the load is intended for another third country. The competent authority may waive this requirement if the load, in accordance with Paragraph 37.1 of these Regulations, is being transhipped from one aircraft to another or from one vessel to another within the customs area of the same port or airport for the purpose of transshipment thereof without a further stop in the territory of Latvia;

38.2. such transit has been previously authorised by the official veterinarian and the load first arrives at the border inspection post located in the territory of Latvia; and

38.3. the person responsible for the load undertakes beforehand in writing to repossess the load in case of rejection of the relevant products and to act in accordance with Paragraphs 70, 71, 72, 73, 74, 75, 76 and 77 of these Regulations.

39. A load intended for transit shall be presented for a veterinary check at the border inspection post accompanied by the documents referred to in Paragraph 20 of these Regulations, if necessary – together with the translations of such documents.

40. The documentary check and identity check of the load of products shall be performed at a border inspection post. The competent authority may choose not to perform the referred to checks if the load is being transported by an aircraft or vessel and it:

40.1. is not unloaded. In such a case, control of the on-board manifest shall be performed; or

40.2. is being transhipped from one aircraft to another or from one ship to another within the customs area of the same port or airport, as specified in Sub-paragraph 37.1 of these Regulations.

41. If human or animal health is endangered or when irregularities are suspected, a physical check of the load shall be performed.

42. If a load is being shipped by road, rail or by waterway through the territory of Latvia, such a load shall:

42.1. be sent under customs supervision to the point of exit from the European Union together with the documents referred to in Paragraph 39 of these Regulations and the common veterinary document referred to in Paragraph 17 of these Regulations which shall specify the border inspection post through which the load will leave the European Union, in accordance with the direct transit (T1) procedure referred to in Council Regulation No. 2913/92/EEC;

42.2. be transported in vehicles or containers which have a freight security device (a load safeguard) fixed thereto, without the products being unloaded or split after leaving the border inspection post. Reloading is not permitted during transport; and

42.3. exit through a border inspection post from the territory of the European Union not later than within a period of 30 days following departure from the border inspection post of entry of the load.

43. The official veterinarian who authorises the performance of transport shall, using the TRACES network, inform the official veterinarian of the border inspection post through which the load exits the territory of the European Union regarding the dispatched load.

44. The official veterinarian at the border inspection post through which the load exits the territory of the European Union shall certify on the common veterinary entry document referred to in Paragraph 17 of these Regulations that the relevant load has been taken out and shall send a copy of the document to the border inspection post through which the load was introduced into the territory of the European Union. If the official veterinarian of the border inspection post through which the load is introduced into the territory of the European Union fails to receive information regarding the exit of the products from the territory of the European Union within the period specified in Sub-paragraph 42.3 of these Regulations, he or she shall inform the customs authority, which shall investigate, if necessary, to determine the actual destination of the products.

45. All expenditures incurred when complying with the requirements referred to in this Chapter shall be covered by the person responsible for the load or by a representative thereof.
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V. Veterinary Checks in Free Zones, Free Warehouses and Customs Warehouses

46. A load which is being introduced from a third country and which is intended for entry into a free zone, free warehouse or customs warehouse may, in accordance with Council Regulation 2913/92/EEC, be admitted if the competent authority has agreed thereto and the person responsible for the load has declared beforehand:

46.1. that the relevant products are intended for importation into the territory of the European Union. In the absence of a clear indication of end-use, it shall be considered that the products are intended for importation into the territory of the European Union; and

46.2. that the products comply with the importation requirements.

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47. The documentary, identity and physical checks of the load referred to in Paragraph 46 of these Regulations shall be performed at the border inspection post through which the load is being introduced into the territory of the European Union, in order to determine the compliance or non-compliance thereof with importation requirements. If it is determined during the documentary check that the product fails to comply with the introduction requirements, the physical check shall not be performed, except in the case that a threat to animal or human health is suspected. The documents referred to in Paragraph 20 of these Regulations shall be attached to such loads, if necessary – together with translations of the documents.

48. If upon the performance of a documentary, identity or physical check it is determined that the product complies with the introduction requirements, the official veterinarian of the border inspection post shall issue the common veterinary entry documents referred to in Paragraph 17 of these Regulations. The official veterinarian of the border inspection post and the customs authorities shall permit introduction into a warehouse in a free zone, into a free warehouse or customs warehouse. Such products shall be approved as fit for release for free circulation in the territory of the European Union.

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49. If during the checks referred to in Paragraph 47 of these Regulations it is determined that the relevant products fail to comply with the importation requirements, the official veterinarian of the border inspection post shall issue the common veterinary entry document referred to in Paragraph 17 of these Regulations. The official veterinarian of a border inspection post and customs authority shall authorise importation into a warehouse in a free zone, free warehouse or customs warehouse only provided that the following requirements are complied with:

49.1. the products are being taken from a third country from which the introduction of products of animal origin into the territory of the European Union is not prohibited and they are intended for another third country; and

49.2. the warehouse in the free zone, the free warehouse and the customs warehouse have been recognised by the Food and Veterinary Service and comply with the following requirements:

49.2.1. it shall be a closed space with entry and exit points subject to permanent control. Control shall be ensured by the management of the warehouse. If a warehouse is located in a free zone, the entire zone shall be closed and placed under permanent customs control;

49.2.2. they shall comply with the requirements specified in regulatory enactments regarding storage of the relevant product;

49.2.3. accounts are kept therein in which all loads entering or leaving the warehouses, specifying the nature and amount of each product included in the load, as well as the recipient and the address thereof shall be registered daily. This data shall be kept for three years;

49.2.4. they shall have storage or refrigerator rooms allowing for separate storage of products, which do not comply with the requirements laid down in regulatory enactments. The competent authority may permit the storage of products that fail to comply with the requirements specified in regulatory enactments on the same premises of the warehouses if the relevant products are stored in separate lockable enclosures; and

49.2.5. they have premises for staff performing veterinary checks.

50. If during the checks referred to in Paragraph 47 of these Regulations it is discovered that the person responsible for the load has provided false information, the load shall be re-dispatched or destroyed in accordance with the requirements referred to in Paragraphs 70, 71, 72, 73, 74, 75, 76 and 77 of these Regulations.

51. The Food and Veterinary Service shall take all measures necessary to:

51.1. ensure that the requirements for the recognition of warehouses are fulfilled;

51.2. prevent products which do not comply with veterinary requirements from being stored in the same rooms or enclosures where products complying with the referred to requirements are being stored;

51.3. ensure effective control of the receipt and shipment of products from the warehouse and supervision during the hours of access. This relates particularly to products that fail to comply with the requirements of regulatory enactments, because such products may not exit the premises or parts thereof where they are stored without the agreement of the competent authority; and

51.4. perform all necessary checks and prevent any alteration or substitution of products stored in the warehouse or any alterations in the packaging, market preparation or processing.

52. The competent authority, on grounds of consideration for animal or human health, may refuse the introduction of products into a customs warehouse, free warehouse or free zone if they fail to comply with the requirements provided for in regulatory enactments regarding veterinary checks.

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53. A load may not be introduced into a free zone, free warehouse or customs warehouse unless it has been fixed with a customs security device.

54. Products that fail to comply with the requirements of regulatory enactments may exit a free zone, a free warehouse or customs warehouse only in order to be dispatched to a third country or to a warehouse in compliance with Paragraphs 60, 61, 62, 63 and 64 of these Regulations or to be destroyed, provided that:

54.1. dispatch to a third country is in accordance with the requirements referred to in Subparagraph 38.3 and Paragraphs 39, 42, 43 and 44 of these Regulations;

54.2. transfer to a warehouse referred to in Paragraphs 60, 61, 62, 63 and 64 of these Regulations is performed in compliance with the customs control direct transit (T1) procedure

and the certificate referred to in Sub-paragraph 61.1 of these Regulations specifies the name and location of the warehouse; and

54.3. transport to the place of destruction is performed after the relevant products have been denaturated.

55. A load shall be forwarded, ensuring that the carriage is performed under the supervision of the competent authority without the goods being unloaded, in leak-proof vehicles or containers with freight security devices fixed by the competent authority. Such a load may not be transferred from one warehouse in a free zone, a free warehouse or customs warehouse to another.

56. [20 December 2005]

57. The Food and Veterinary Service shall submit to the European Commission a list, which shall specify:

57.1. the free zones, free warehouses and customs warehouses referred to in Paragraph 52 of these Regulations; and

57.2. the suppliers referred to in Paragraph 60 of these Regulations.

58. If the requirements referred to in Paragraphs 46, 47, 48, 49, 50, 51, 52, 53, 54 and 55 of these Regulations and conditions in relation to warehouses are not complied with, the Food and Veterinary Service shall suspend or withdraw its approval referred to in Sub-paragraph 49.2 of these Regulations and shall inform the European Commission and other Member States of the European Union regarding the taking of such a decision.

[20 December 2005]

59. Where irregularities caused either deliberately or due to serious negligence have been determined, an administrative penalty provided for in regulatory enactments shall be applied by the competent authority to the person responsible for the load after it has left the warehouse.

VI. Supply of Vessels

60. Persons who directly supply cross-border sea-going vessels (hereinafter – suppliers) with the products referred to in Paragraph 49 of these Regulations for the purposes of consumption by a crew and passengers shall comply with the following requirements:

60.1. they shall comply with the requirements referred to in Paragraphs 46 and 47, Sub-paragraph 49.1, Clauses 49.2.2, 49.2.3 and 49.2.4, Paragraphs 51, 52, and 53 of these Regulations;

60.2. they shall register their activities with the Food and Veterinary Service;

60.3. such products shall be supplied which are not intended for processing, except for cases where the unprocessed products comply with the requirements specified in regulatory enactments;

60.4. they shall have closed product storage premises under their responsibility, the entry and exit points of which are under the permanent control of a responsible person. If a warehouse is located in a free zone, the entire zone shall be closed and under permanent customs control;

60.5. they shall undertake not to release the products referred to in Paragraph 49 of these Regulations for consumption into the territory of the European Union; and

60.6. they shall notify the competent authority as soon as possible of the delivery of the products to the warehouse referred to in Sub-paragraph 60.4 of these Regulations.
[20 December 2005]

61. The suppliers referred to in Paragraph 60 of these Regulations shall:

61.1. carry out deliveries directly on board the sea-going vessel or to a specially approved warehouse at the destination port, provided that measures are taken to ensure that the relevant products do not leave the port zone for another destination under any circumstances. The carriage of products from the warehouse to the destination port shall be performed under customs supervision in accordance with the direct transit procedure (T1), attaching the veterinary certificate intended for sending the products intended for the supply of external shipping traffic and which has been completed in accordance with regulatory enactments regarding methods of veterinary checks, inspecting the products of third countries intended to be introduced into free zones, free warehouses, customs warehouses or to be delivered to merchants supplying cross-border sea-going vessels;

61.2. notify in advance the competent authority under whose supervised port zone the products are being delivered as well as the competent authorities of the destination port of the Member State of the European Union of the date of the products and information regarding the destination thereof;

61.3. present official proof that the products have reached the destination; and

61.4. keep a register of loads, which have entered and left. The register must ensure an opportunity to check the parts of the load that have remained in the warehouse. The information included in the register shall be kept for at least three years.

[20 December 2005]

62. The suppliers shall ensure that they will not supply the vessels with products that fail to comply with the requirements specified in regulatory enactments, except products for the purposes of passengers and crew outside the coastal areas of the territories of the European Union.

63. Not later than on the day of dispatch of the products, the competent authority at the border inspection post in the port zone shall notify the relevant competent authority of the European Union Member State of destination of the dispatch of the products, informing it regarding the destination of the products using the TRACES network.

64. If the requirements of this Chapter have not been complied with, the Food and Veterinary Service shall cancel the registration referred to in Sub-paragraph 60.2 and shall inform the European Commission and other Member States of the European Union thereof.

[20 December 2005]

VII. Veterinary Check Requirements for Re-imported Product Loads

65. A load the country of origin of which is Latvia or another Member State of the European Union and the importation of which has been refused by a third country may be re-imported, if:

65.1. the following documents are attached to the load:

65.1.1. the original veterinary (health) certificate or a copy thereof which has been certified by the institution which issued the certificate accompanying the products, together with details of the reasons for refusal and a guarantee that the

conditions governing the storage and transport of the products have been complied with, stating that the relevant products have not been reloaded; and

65.1.2. a certificate issued by the carrier stating that the content has not been reloaded or unloaded;

65.2. a documentary and identity check on the products and in those cases specified in Paragraphs 78, 79 and 80 of these Regulations – the performance of a physical check as well; and

65.3. the load is directly returned, in accordance with the conditions referred to in Paragraph 33 of these Regulations, to the establishment of origin in the territory of the Member State of the European Union where the veterinary (health) certificate was issued and if, in the case of transit through another Member State of the European Union, the official veterinarian of a border inspection post of such Member State in whose territory the load first arrives has previously authorised the re-importation of the products on behalf of all Member States through which the load will transit.

[20 December 2005]

66. The competent authority may not oppose the re-importation of a load of such products originating in the European Union which have been refused by a third country if the authority which issued the original veterinary (health) certificate has agreed to take back the load and the conditions referred to in Paragraph 65 of these Regulations have been met.

67. In the situation referred to in Paragraphs 65 and 66 of these Regulations, the products shall be dispatched back, taking into consideration the conditions for ensuring carriage to the establishment of origin in accordance with the procedures specified in Paragraph 33 of these Regulations in leak-proof vehicles, sealed by the competent authority so that, upon the opening the container, the seals will be broken.

68. The official veterinarian who authorises carriage shall inform the competent authority of the European Union Member State of destination using the TRACES network.

[20 December 2005]

69. *[20 December 2007]*

VIII. Action in the Case of Infringements of the Regulations

70. If a load of products of animal origin is being introduced into Latvia without the presentation thereof for a veterinary check (in compliance with the requirements referred to in Paragraphs 6, 7, 8, 9, 10, 11, 12, 14 and 15 of these Regulations), it shall be seized and the Food and Veterinary Service shall decide regarding the destruction thereof in accordance with Sub-paragraph 71.2 of these Regulations or the re-dispatch in accordance with Sub-paragraph 71.1 of these Regulations.

71. If the competent authority, upon the performance of the checks referred to in these Regulations, determines that the product fails to comply with the importation requirements or if it determines another infringement, it shall, upon consultation with the person responsible for the load, decide whether:

71.1. to re-dispatch the product outside the territory of the European Union through the same border inspection post which has been agreed with the person responsible for the load using the same means of transport, within a period of 60 days, where the results of the

veterinary check and health requirements permit the re-dispatch of the load. In such cases the official veterinarian at the border inspection post shall:

71.1.1. enter in the information regarding the procedure performed pursuant to the requirements of Article 1 of Council Decision 92/438/EEC; and

71.1.2. cancel the veterinary (health) certificate or other accompanying documents of the load in accordance with the procedures determined by the European Commission, so that it is not possible to import the load through another border inspection post. The exceeded time period may be reviewed if the reason for delay is justified; and

71.2. to destroy the products in accordance with the requirements specified in regulatory enactments regarding the disposal, processing and circulation of products of animal origin if re-dispatch is impossible or if the time period referred to in Sub-paragraph 71.1 of these Regulations has elapsed or the person responsible for the load agrees thereto.

[20 December 2005]

72. Pending re-dispatch of the products referred to in Paragraph 71 of these Regulations or confirmation of the reasons for rejection, the competent authority shall keep them under the supervision of the competent authority at the expense of the person responsible for the load.

73. If the checks referred to in Paragraphs 70 and 71 of these Regulations reveal infringements of the regulatory enactments or repeated infringements thereof, the requirements referred to in Paragraphs 5, 85 and 86 of these Regulations shall be applied.

74. Paragraph 71 of these Regulations shall not be applied if the competent authority has authorised the use of products in accordance with Regulation 1774/2002/EC of the European Parliament and Council or Article 20 of Regulation (EC) No. 882/2004 of the European Parliament and of the Council, provided that there is no risk to human or animal health.

[20 December 2005]

75. The person responsible for the load shall cover the costs incurred when re-dispatching or destroying the load or using the product for other purposes.

76. If an infringement has been determined that has resulted deliberately or due to serious negligence, the administrative penalty provided for in regulatory enactments shall be applied by the competent authority to the person responsible for the load.

77. The exchange of information with Member States of the European Union and the European Commission regarding performed veterinary checks shall be carried out in accordance with the requirements of Council Decision 92/438/EEC.

[20 December 2005]

IX. Action of the Official Veterinarian or Competent Authority if Non-compliance of a Product with the Requirements Specified in Regulatory Enactments is Suspected

78. If suspicions occur regarding the non-compliance of a product with the veterinary regulatory enactments, the official veterinarian or competent authority shall perform veterinary checks deemed appropriate to confirm or rule out any suspicion regarding:

78.1. the identity or actual destination of a product;

78.2. the compliance of a product with the guarantees specified in regulatory enactments for the type of the product subject to the check; and

78.3. the compliance with the guarantees of animal or public health specified in regulatory enactments.

79. The inspected products shall remain under the supervision of the competent authority until the results of the checks are obtained.

80. The official veterinarian or competent authority, on the basis of the suspicions referred to in Paragraph 78 of these Regulations, shall reinforce the control of products of the same origin and shall comply with the requirements referred to in Paragraph 73 of these Regulations.

X. Safeguard Measures

81. If any of the checks performed in these Regulations suggests that the load may cause a threat to animal or human health the competent authority shall immediately take the following measures:

81.1. seize and destroy the relevant load; and

81.2. in accordance with the regulatory enactments, inform other border inspection posts located in the territory of the European Union and the European Commission pursuant to Council Decision 92/438/EEC.

82. If the Food and Veterinary Service officially informs the European Commission of the need to take safeguard measures, but the European Commission has failed to apply them, the Food and Veterinary Service may introduce interim safety measures with regard to the referred to products, informing the other Member States of the European Union thereof.

[20 December 2005]

83. If the Food and Veterinary Service, on the basis of the checks performed at the sales location of products, concludes that these Regulations have not been complied with at any of the border inspection posts or in a customs warehouse, free zone or free warehouse located in the territory of another Member State of the European Union, it shall immediately contact the central authority of the relevant Member State of the European Union taking the necessary measures, and shall inform the Food and Veterinary Service regarding the checks performed, the decisions taken and the reasons therefor.

84. If the Food and Veterinary Service believes that the measures taken have been insufficient, it shall, together with the competent authority of the relevant Member State of the European Union, examine possible solutions and, if necessary, visit the relevant Member State.

XI. Additional Veterinary Checks

85. If upon performance of the checks referred to in these Regulations there is suspicion that regulatory enactments in the veterinary field have been breached or repeated infringements have been determined, the competent authority shall, in respect of the relevant products and origin thereof:

85.1. inform the European Commission, specifying the nature of the products and the relevant load;

85.2. perform more stringent checks on all loads of products from the same origin, impounding 10 loads of the same origin on which a physical check of products shall be performed at the border inspection post, including the taking of samples and the laboratory tests specified in Annex 2 to these Regulations. The representative of the load or the person responsible for the load shall lodge a security deposit against the inspection costs. If upon performance of the check, non-compliance with the regulatory enactments is determined, the offending load or part thereof must be disposed of in accordance with the requirements referred to in Sub-paragraphs 71.1 and 71.2 of these Regulations; and

85.3. inform the European Commission of the results of the check and on the basis of such information shall conduct an investigation to identify the causes and origins of the infringements found.

86. If it is determined during the checks that the maximum residue limits have been exceeded, the check referred to in Sub-paragraph 85.2 of these Regulations shall be performed.

XII. Closing Provisions

87. These Regulations shall come into force on 1 May 2004.

Informative Reference to European Union Directives

These Regulations contain legal norms arising from 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.

Acting for the Prime Minister,
Deputy Prime Minister

A. Šlesers

Minister for Agriculture

M. Roze

**Requirements for Border Inspection Posts through which Products of Animal Origin
are Imported into Latvia from Third Countries**

A border inspection post shall be approved for veterinary checks if it complies with the minimum requirements specified in these Regulations and has:

1. Sufficient staff that has acquired a professional qualification which is competent to perform:

1.1. the check of documents (public health or animal health certificates and other documents specified in regulatory enactments) accompanying the products; and

1.2. the taking of random samples of product consignments which shall be presented at the border inspection post, as well as the processing of samples.

[20 December 2005]

2. A sufficient number of official veterinarians and professionally trained auxiliary staff for the flow of products to be controlled.

3. Sufficiently large premises for the staff responsible for the performance of veterinary checks.

4. Hygienic premises and facilities for performing routine analyses and the taking of samples in accordance with the requirements of these Regulations.

5. Sanitary premises and equipment, which ensure antiseptic conditions for the taking and preparation of samples for routine checks.

[20 December 2005]

6. Competent authority's laboratories in which special analyses on the samples delivered to this border inspection post may be performed.

[20 December 2005]

7. Premises and freezers for the storage of part of the load taken for laboratory examination and products for which the release for free circulation has not been authorised by the official veterinarian of the border inspection post.

8. Appropriate technical support for the exchange of operational information regarding veterinary checks, especially with other border inspection posts.

Minister for Agriculture

M. Roze

Physical Check of Products

1. The aim of the physical check of products of animal origin is to verify, by examining the guarantees of origin certified by the third country, whether the products meet the purpose referred to in the veterinary certificate or document and whether the guaranteed initial condition thereof has not been altered during the transportation of the product.
2. The physical check shall be performed using:
 - 2.1. sensory examination – smell, consistency, and taste shall be tested;
 - 2.2. simple physical or chemical tests – cutting, thawing, cooking; and
 - 2.3. laboratory tests in order to detect:
 - 2.3.1. residue substances;
 - 2.3.2. pathogens;
 - 2.3.3. contaminants; and
 - 2.3.4. evidence suggesting alterations.
3. Irrespective of the type of products:
 - 3.1. a check on the conditions of transport and means of transport shall be performed in order to identify possible infringements in the failure to comply with the temperature regimen;
 - 3.2. the real weight of the consignment and that indicated on the veterinary certificate or document shall be compared, and the whole consignment shall be weighed where necessary;
 - 3.3. the wrapping material and all markings (stamps, labels) thereon shall be examined in order to ensure their conformity with the requirements of regulatory enactments regarding the labelling of products;
 - 3.4. prior to the sensory examination and performance of physical, chemical and laboratory tests, the entire set of packaging or, where the products have not been packaged, samples shall be examined;
 - 3.5. examinations shall be performed on a whole range of samples drawn from the load, which, if necessary, may be partly unloaded to ensure that all parts thereof are reached. For packaged or wrapped products 1% or at least two (maximum – 10) separate items/packages shall be examined, but if the products have not been packaged – at least five samples shall be taken from various parts of the load. Depending on the products and conditions, the competent authority may request more extensive checks;
 - 3.6. if random laboratory tests are performed which may not provide immediate results and if no immediate danger exists to human or animal health, the consignment need not be seized at the border until the results of the examination have been received. If laboratory examinations are being performed because suspicions have arisen regarding an infringement or affirmative results were obtained in the previous examinations, the consignments may not be released until negative test results have been obtained.
 - 3.7. the vehicle shall be completely unloaded only in the following cases:
 - 3.7.1. loading has been performed so that by unloading the products only partly, it is not possible to access the entire consignment;

- 3.7.2. infringements have been determined during the sample tests;
 - 3.7.3. there were infringements in the previous consignment; and
 - 3.7.4. the official veterinarian has suspicions regarding infringements; and
- 3.8. after completion of the physical check, the competent authority shall approve the check by officially locking and sealing all opened packages and shall repeatedly fix the freight security device upon all opened containers and railway cars. The number of the freight security device shall be entered into the common veterinary entry document.

Minister for Agriculture

M. Roze