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## Summary

## Zusammenfassung

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## Legal regulations for the introduction of products of animal origin in personal consignments into the European Union and their implementation in Germany

*Gesetzliche Regularien über die nicht-kommerzielle Einfuhr bestimmter Mengen von Erzeugnissen tierischen Ursprungs für den persönlichen Verbrauch in die Europäische Gemeinschaft und deren Umsetzung in Deutschland*

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Products of animal origin can harbour potentially serious animal disease pathogens such as Foot and mouth disease, Classical and African swine fever as well as food-borne zoonoses. Those endemic pathogens from non-European countries may be introduced into the European Union by the illegal import products of animal origin in personal consignments. If those products are not conforming to the harmonised legislation, they are not supposed to enter the Community area and will be seized and destroyed regardless, yet the specific implementation is depending on each Member State. These measures are limiting therefore the private import of products of animal origin, but undetected consignments are continuingly posing a significant threat to animal and public health throughout the European Union.

**Keywords:** Illegal Imports, Regulation (EU) 206/2009, border inspection posts, customs service, seizure, zoonoses

Lebensmittel tierischen Ursprungs können potentiell pathogene Tierseuchenerreger wie das Virus der Maul- und Klauenseuche, der klassischen und afrikanischen Schweinepest und überdies auch Zoonose-Erreger enthalten. Diese in vielen Ländern außerhalb Europas endemischen Pathogene können über den illegalen Import von tierischen Lebensmitteln durch Privatpersonen in die Europäische Union eingeführt werden. Sollen solche Lebensmittel nicht den rechtlichen Ansprüchen der EU entsprechen, sind sie an den Außengrenzen zurückzuweisen. Harmonisierte rechtliche Regelungen limitieren daher den privaten Import von Lebensmitteln tierischen Ursprungs, dennoch ist die Implementieren noch immer uneinheitliche und hängt stark von der Umsetzung in den einzelnen Mitgliedstaaten ab. So stellt der illegale Import von Lebensmitteln tierischen Ursprungs vorwährend eine signifikante hohe Gefahr für die Tiergesundheit und das öffentliche Gesundheitswesen gleichermaßen dar.

**Schlüsselwörter:** Illegale Einfuhr, Verordnung (EU) 206/2009, Grenzkontrollstellen, Zoll, Konfiskate, Zoonosen

## Introduction

The potential risk of introducing animal diseases into the European Union (EU) through the import of products of animal origin (POAO) is omnipresent. Foot and mouth disease (FMD), Classical and African swine fever (CSF/ASF) are constantly considered as the most threatening pathogens and POAO may harbour additionally a serious zoonotic potential (Mayer-Scholl et al., 2014; Strauß et al., 2014). The introduction of those pathogens into a naïve population can lead to significant outbreaks with highly considerable socio-economic costs. Animal diseases and zoonoses harm the production of food of animal origin, particularly of essential food proteins, and additionally generate hurdles for international trade. These hazards are nowadays increasingly recognized, as non-vaccinating strategies are essential part of the European animal health policy and the lack of therapy options are concerning all stakeholders (Noordhuizen et al., 2013).

International trade is yet fundamental to meet the demands of the market. Facing globalisation and transnationalism, border crossings of humans, animals and food have been continually increasing during recent decades. Based on the intellectual antecedents of the western world, free trade, economic wealth and political freedom are mutually depending. The customs-free European market and reduced trade restrictions were political requirements for economic and technical enhancements. In the wake of political freedom and economic prosperity in a united Europe, non-indentured trends such as the illegal introduction of POAO in personal consignments yet embrace a considerable potential of harm concerning all social classes. The associated risk varies yet to different factors, such as the type of product, the animal species, and the likelihood of the pathogenic agent being present.

POAO may circulate freely between the 28 member states (MS) of the EU and three European Free Trade Association (EFTA) member states Liechtenstein, Norway and Switzerland, here referred to as the common economic area (CEA). The term introduction or imports defines the movement of animals and POAO into the MS from third countries outside the CEA, defining any country of the world that is not member of the CEA, whereas intra-EU trade defines the movement of animals and POAO within the CEA (EC, 2007).

The current regulation (EU) 206/2009 is implementing strict measures for the introduction of POAO in personal consignments into the CEA. The obligatory veterinary border control ensures the legal compliance of POAO in personal consignments entering the CEA and its implementation is carried out at their point of entry into the CEA by official veterinarians at border inspection posts (BIP). These BIPs are responsible for seizing and destroying illegal POAO detected in the luggage of travellers at the arrival into the CEA. Consequences for non-declared POAO may be penalties such as fines or prosecution, and insufficiently compliant POAO have to be seized and surrendered immediately and without exemption for official disposal. The 15 German BIPs are designated points of entry and mainly located at the major airports and seaports with international relevance. Approved BIPs are listed in Commission Decision 2009/821/EC, which is reviewed approximately 3–4 times per year. Currently, there are around 300 BIPs in the CEA and Commission Decision (CD) 2014/704/EU contains the latest amendments to the official list.

Despite the established, harmonized legal regulations, the illegal introduction of POAO into the CEA continues at a significantly high level (Noordhuizen et al., 2013; Mayer-Scholl et al., 2014). Even though information and results of the control measures according to the regulation (EU) 206/2009 have to be submitted to the European Commission, few data on quantities is available.

## Development of European legal regulations

Resulting from the FMD epidemic in central Europe in 2001 the European Commission reviewed implemented mechanisms preventing the import of meat and dairy products in personal consignments. Consenting in harmonised strengthened measures, the exemptions permitting the import of POAO in personal consignments into the CEA without veterinary certification were removed temporarily. Accordingly, CD 2002/995/EC came into force. Press releases detailed the intention of these temporary rules and a publicity campaign was launched to raise awareness to the new requirements for the general public. Regarding the continuing risk of serious animal diseases being introduced into the Community via the import of POAO in personal consignments, these rules were updated. The first permanent measures came into force in May 2004 with regulation (EC) 745/2004 and were repealed five years after by Regulation (EC) 206/2009. The rules on the introduction of POAO in personal consignments into the CEA are laid down in Article 2. Organised, risk-based controls at EU entry points were issued to detect the presence of meat and dairy products in personal consignments, and the disposition of appropriate detection aids such as electronic scanning equipment and dogs to screen larger amounts of luggage were strengthened (Article 5). Specific provisions allow MS to penalize those travellers that are found to be violating the legal requirements. Mechanisms and penalties for the costs of seizure and destruction of the illegal consignments were issued national legislations to ensure that those travellers could be made liable, yet the amount of penalties is not harmonised between the MS (Article 6).

A recent qualitative risk assessment evaluated the risk of introduction of ASF into the wild boar population of Germany by transport vehicles and travellers. ASF cases and recorded outbreaks within the territory of the Russian Federation in the domestic pigs and the wild boar population, and the movements into the countries Belarus, Lithuania, Poland and Ukraine were analysed. They estimated the risk of introducing ASF into Germany through illegal imports and illegal disposal of contaminated material as high. The high risk of introducing ASF through contaminated pork and pork products in personal consignments along the main traffic routes is considered as “worst case scenario”, whereas the risk of the introduction via hunting tourism and trophies from such areas and the risk of direct spread through infected wild boar is assessed as moderate (FLI 2014).

Regarding these on-going risks, the regulation (EU) 206/2009 intends additionally to explain clearly the rules concerning the introduction of POAO into the CEA to the greater and general public in order to raise awareness of their vital responsibilities. MS shall ensure that at all points of entry into the CEA the veterinary conditions applicable to personal consignments introduced into the CEA are brought to the attention of travellers arriving from third

countries, clearly visible utilizing the posters and leaf fleets of this regulation in more than one official EU language (Fig. 1 and 2).

### Current rules concerning the introduction of personal consignments of POAO into the CEA

Regulation (EU) 206/2009 is imposing the strict principles for the import of POAO in personal consignments from third countries. The rules imply, that travellers arriving from third countries are regardless not allowed to introduce any POAO into the CEA (Article 2).

There are additionally exceptions for certain third countries presenting a negligible animal health risk due to their OIE confirmed animal health status, their geographical location to the CEA and trading agreements. Therefore, meat and dairy products are freed from systematic veterinary checks if originating from Andorra, Liechtenstein, Norway, San Marino, and Switzerland (Article 1). Travellers from the Faeroe Islands, Greenland, and Iceland are regardless allowed to introduce meat and dairy products thereof in personal consignments if their combined quantity does not exceed the weight limit of 10 kg (Article 2).

Annexe 1 is specifying the various POAO violating the regulation. Part 1 is referring to edible meat and offal; sausages and similar products of meat, meat offal or blood and food preparations based on these products; other prepared or preserved meat, meat offal or blood; guts, bladders and stomachs of animals (other than fish), whole and pieces thereof, fresh, chilled, frozen, salted, in brine, dried or smoked; lard stearin, lard oil, oleostearin, oleo-oil and tallow oil, not emulsified or mixed or otherwise prepared as well as pig fat (including lard), poultry fat, fats of bovine animals, sheep or goats and animal fats and oils and their fractions, whether or not refined, but not chemically modified are mentioned (definitions according to Annexe I of the Regulation (EEC) No 2658/87). Additionally, any food preparations containing meat or dairy products are violating the regulation, particularly if made out of flour, groats, meal, starch or malt extracts such as pasta, whether or not cooked or stuffed (with meat or other substances) or otherwise prepared; bread, pastry, cakes, biscuits and other bakers' wares, whether or not containing cocoa; communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers and similar products. Any sauces and preparations thereof containing meat or dairy products are violating the regulation such as mixed condiments and mixed seasonings; mustard flour and meal and prepared

mustard; soups and broths and preparations therefore and any homogenised composite food preparations containing meat and/or dairy products. Finally, vegetables prepared or preserved otherwise than by vinegar, acetic acid or frozen and containing meat and/or dairy products are not eligible for import as personal consignment either (Annexe I, Part 1).

Nonetheless, fresh eviscerated fish and prepared fishery products such as prawns, lobsters, dead mussels and dead oysters, are permitted if their combined quantity does not exceed the weight limit of 20 kg or the weight of one fish, whichever weight is the highest. However, there is no such restriction in weight for travellers coming from the Faeroe Islands, Greenland or Iceland.

Powdered infant milk, infant food, special foods and special pet feed in a quantity less than 2 kilogram required for medical reasons are as well not violating this regulation, given that these products do not require refrigeration before opening, are packaged as proprietary brand products for direct sale to the final consumer, and that the packaging is unbroken unless in current use.

Other products of animal origin, such as honey without honeycombs, live oysters, live mussels and snails, travellers are allowed to bring in up to 2 kilograms in total. Composed sweets such as chocolate or biscuits containing less than 50 % of POAO may also be introduced legally. For certain protected species there may be additional restrictions in place according to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES 1973). For example the weight limit for caviar of sturgeon species is a maximum of 125 g per person (Annexe IV).

Larger quantities of POAO have to meet the requirements for commercial consignments, which include certification requirements, as laid down in the appropriate official CEA veterinary certificate, the presentation of the goods with the correct documentation to an authorised BIP on arrival in the CEA.



FIGURE 1: Poster 1 advertising the new rules on personal imports of meat and milk into the EU.



FIGURE 2: Poster 2 advertising the new rules on personal imports of meat and milk into the EU.



MS are required to submit an annual report to the European Commission summarising the relevant information on the measures taken to advertise and enforce the rules laid down in this regulation, and on the results thereof. The approximate total numbers of illegal consignments of meat and dairy products found in personal luggage at CEA entry points during the reporting year, and the five third countries from which passengers were most regularly found to carry (1) meat products, (2) dairy products and (3) other POAO consignments during the reporting period has to be listed. Additionally, the approximate amount in kilogram of each (1) meat products, (2) dairy products and (3) other POAO seized and destroyed from personal baggage as result of checks implemented at CEA entry points during the reporting period ought to be listed (Article 6). These data is not generally accessible and few information is published.

### Implementation in Germany

In general, the custom services are responsible for checks of passenger luggage and postal parcels, whereas the BIPs official veterinarians are responsible for the decision regarding admissibility of the POAO found. The custom services as the national authority possess uniquely the legal rights to retrain and control passengers and their luggage arriving from third countries. Targeting alcohol, tobacco, drugs, weapons, pirated products and cash money as their inert high-priorities, the customs can confiscate as well POAO.

The approved BIPs according have to be inspected regularly by the European Commission's services. The Food and Veterinary Office (FVO) is the responsible authority and a directorate of the Health and Consumer Protection Directorate-General of the European Commission, and monitors compliance with the harmonised legislation in the fields of food safety, animal health, animal welfare and plant health. The FVO performs this function by verifying, mainly through inspections, the effectiveness of national control systems for enforcing Community legislation in these fields with more than 50 BIP audits within the last decade, most commonly auditing the workflow, measures and procedure of legal imports. A series of inspections concerning illegal imports of POAO was launched in 2004 and continued with inspections in thirteen MS. The evaluation covered the implemented measures to detect illegal introductions, including those for personal consumption. Inspected MS had each a system in place to detect, seize and destroy illegal imported POAO. However, in all MS further measures are possible to improve the implemented system and to minimise the likelihood of illegal introduction of relevant POAO consignments (FVO 2006). Audits at major German BIPs regarding the illegal introduction of POAO and living animals were carried out in June and July 2005. In a single German BIP, in total 3.5 tonnes of meat products and 2.5 tonnes of dairy products were confiscated between June 2004 and December 2004. Resulting from estimations, aggregated amounts for Germany in 2004 were approximately 13.3 tonnes meat products and 17.5 tonnes dairy products (EC, 2005). According to official numbers, each 10.5 and 9.5 tonnes meat products, 9.8 and 11.4 tonnes dairy products as well as about 2 tonnes of other POAO respectively in 2010 and 2011 respectively were confiscated at Frankfurt International Airport. Due to changes in the human resource management, the control

frequencies were changed from seven-days-a-week full-time to five-days-a-week part-time in following years. In 2014, a total of 1.6 tonnes of meat, 1.4 tonnes of dairy products and 0.2 tonnes of other POAO were confiscated. This is marking a disproportional decline of more than 90 % in each category. Even though the numbers from 2010 and 2011 are still just marking the tip of the iceberg, they are indicating the potentially amount of illegally imported POAO to be confiscated, if controls are implemented continuingly full-time seven-days-a-week (Anonymous, 2015). Recent studies are estimating for the biggest internationally connected German airport in Frankfurt an annual amount of approximately 2800 tons of illegally introduced POAO (Mayer-Scholl et al., 2014). True numbers on the quality and quantity of illegal imported POAO remains underrated as the documentation procedure varies between BIP and seems to be insufficient (EC, 2007). Those large amounts suggest not only unintentionally unawareness of certain passengers to take along flight catering and only a minor part might be contributed from European tourists as souvenirs from vacations. Moreover, expatriates are expected to import systematically particular handmade, traditional and local products from their country of origin (Mayer-Scholl et al. 2014). Official numbers supports this hypothesis, as dairy products are mainly imported from Turkey with 922 kg, meat products derive mainly from China with 376 kg and Vietnam with 319 kg, reflecting common food consumption patterns.

The control frequencies are not monitored steadily; yet experts estimate 7–8 % (Anonymous 2015). In a FVO audit between November and December 2011, local arrangements under mutual administrative assistance were noticed at three German airports (Berlin-Tegel, Erfurt, Leipzig-Halle) for close cooperation and co-ordination of controls on POAO in passenger luggage between veterinary and customs services. Joint controls on passenger luggage and postal parcels were also organised in collaboration. However, the level of involvement of customs varied between the different airports from only stopping the passengers, up to the seizures of the products as part of administrative cooperation. When customs were in doubt, they called the veterinary officer in charge for the final decision and for the seizure of POAO if required. The audit states that there was sufficient staff available to perform the official controls (EC, 2012). In Germany, risk-orientated controls can be launched by the federal veterinary authorities according to the OIE animal disease status of the third countries, which are served by the airport. However, these are mostly not overlapping with those risk-orientated controls launched by the customs, targeting high-value goods and money. This conflict of interests may lead to major discord in responsibilities and collaboration of German customs and BIPs (Anonymous, 2015).

Although the information concerning the requirements for the introduction of products of animal origin into the Community is conveyed to the general public by the official authorities of each MS, the risk awareness of travellers concerning animal diseases is marginal. Specific communication campaigns in local newspaper and those commonly read by expatriate in the native language might foster the awareness towards serious animal diseases that are eradicated in the CEA. Additionally, little information is available on associated zoonotic risks and no baseline data on the prevalence of zoonoses in POAO illegally introduced into the CAE has been collected so far. Two recent studies

assessed confiscated POAO in the luggage of travellers arriving from third countries at international airports within the CEA. Those international airports serve several third countries connections such as Turkey, Russia, Middle Eastern countries and Asian countries on a daily basis. In the first study, 699 kilogram POAO of 296 passengers detected during routine inspections at the International Airport Berlin Schönefeld and Frankfurt International Airport in customs control were characterised in quality, quantity and analysed microbiologically for zoonotic pathogens. Mainly originating from Turkey (27.7 %), Russia (25.7 %), China (8.7 %) and Egypt (7.1 %), 58 % of the POAO were classified as retail goods, 29 % as homemade or sold on local markets, 10 % as raw and 3 % home-cooked, prepared meals. Considering 474 products, *Salmonella* was found in four meat samples, *Listeria monocytogenes* in nine samples, and vero-toxin producing *E. coli* in seven samples. *Yersinia enterocolitica* was detected once in dried beef from China. *Campylobacter* spp. was not detected in any sample (Mayer-Scholl et al. 2014). In the second study, in total 61.355 passengers from 240 flights at Vienna International Airport were spot-checked between August 2012 and March 2013. The confiscated POAO were analysed microbiologically for zoonotic pathogens and *Salmonella* spp. were found in 1.1 %, *Listeria monocytogenes* in 2.5 %, and vero-toxin producing *E. coli* in 1.3 % of the samples. *Campylobacter* spp. was not detected in any sample even though several raw poultry meat samples were analysed (Strauß, Schoder et al. 2014).

Despite the extensive regulatory framework, the illegal introduction of POAO continues in all MS and is most likely underestimated, as POAO arriving per mail, rail or road are underreported. First attempts were made to characterize the quantity and quality of illegally introduced POAO into the CEA, but further analyses are essential. Additionally, rare genetic variants and multidrug resistant bacteria remain underdetected and uncommon strains harbour a significant risk as seen in recent outbreaks such as the EHEC crisis in Germany in 2010 (Mellmann et al. 2011; Egervärn et al. 2014).

## Conclusions

Major efforts were made in the last century to eradicate harmful animal diseases from European livestock. The illegal introduction of POAO can lead to serious outbreaks with significant socio-economic costs and severe trade restrictions. Additionally, these POAO harbour an underestimated zoonotic potential. Therefore, meat and dairy products in personal consignments from third countries are prohibited to enter the CEA, unless complying with legal import conditions. All MS implemented mechanisms and build capacities to examine large amounts of baggage. In Germany, the implementations of the legal requirements and mutually shared responsibilities of the official veterinarians and the customs service vary substantially from BIP to BIP. International passenger transport operators and official awareness campaigns in all media could proactively foster the attention of the general public and passengers of those requirements before they enter POAO into the CEA. Protecting and communicating the precious value of the European animal health strategy remains an on-going, highly important duty to all veterinarians and responsible citizens likewise.

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