

## **Decision of the European Ombudsman on complaint 751/2000/(BB)IJH against the European Commission**

Decision

**Case 751/2000/IJH - Opened on 05/07/2000 - Recommendation on 07/12/2001 - Decision on 02/07/2002**

Strasbourg, 2 July 2002

Dear Mr F.,

On 1 June 2000 you made a complaint to the European Ombudsman on behalf of the Finnish Reindeer Herders' Association concerning the EU Standing Veterinary Committee's decision of 12 January 2000 on the import of reindeer meat from the Kola Peninsula area of Russia.

On 5 July 2000, I forwarded the complaint to the President of the Commission. The Commission sent its opinion on 10 October 2000. I forwarded the opinion to you with an invitation to make observations, which you sent on 19 December 2000. On 15 May 2001, I requested a complementary opinion of the Commission, which the Commission sent on 18 July 2001. On 8 April 2002, I forwarded the complementary opinion to you with an invitation to make observations, which you sent on 26 October 2001.

On 7 December 2001, I addressed a draft recommendation to the Commission. On the same day, I informed you by letter of this action. The Commission sent its detailed opinion on 11 March 2002. On 8 April 2002, I forwarded the detailed opinion to you with an invitation to make observations by 31 May 2002. On 7 June 2002, the Secretariat of the Ombudsman contacted you by telephone.

I am writing now to let you know the results of the inquiries that have been made.

### **THE COMPLAINT**

The complainant is the Executive Director of the Finnish Reindeer Herders' Association and complains on behalf of the Association.

According to the complainant, the relevant facts are as follows:

On 12 January 2000, the EU Standing Veterinary Committee made a decision to permit the



import of reindeer meat from the Kola Peninsula area of Russia. The initiative behind this decision was taken by a Swedish company, which has a commercial interest in importing Russian reindeer meat. The Swedish company participated in the on-the-spot inspection carried out in the Kola Peninsula by making the travel arrangements and providing for the interpretation services during the inspection.

The import of meat from Russia has been prevented until now because the country is defined as a foot-and-mouth disease region and due to sub-standard abattoir and meat handling conditions. The Reindeer Herders' Association suspects that in case of dangerous animal diseases the declaration system, which should notify disease within 24 hours, would not work quickly enough in Russia. Furthermore, the Association fears that the poor quality reindeer meat might endanger consumers' confidence in reindeer meat in the European Union and the practise of reindeer husbandry by Sami reindeer herders in Finland could become impossible.

The complainant alleges lack of impartiality by the Commission due to the participation of the Swedish company in the on-the-spot inspection.

## **THE INQUIRY**

### **The opinion of the Commission**

In its opinion, the Commission made the following comments:

The complaint relates to a mission carried out by Commission experts of the Food and Veterinary Office, at the invitation of the Russian authorities, to assess whether imports of reindeer meat from the Kola Peninsula could be permitted.

The mission was carried out by officials of the Food and Veterinary Office, a Directorate within the DG Consumer Policy and Consumer Health Protection. The Food and Veterinary Office (FVO) is a service of the Commission, being part of DG Health and Consumer Protection. The FVO undertakes control and inspection missions in the food safety, veterinary and phytosanitary sectors, in order, inter alia, to monitor compliance with EU legislative requirements. It submits reports of these findings to the relevant Commission services, the Standing Veterinary Committee and the European Parliament, and publishes them on the website of the DG, to ensure maximum transparency for the mission findings, conclusions and recommendations.

The Standing Veterinary Committee is a statutory committee established by Council Decision 68/361/EEC (1) . It consists of representatives of the Member States with a representative of the Commission as Chairman. The Commission establishes the agenda of the meetings, which may include the provision of information, or exchanges of views, on technical issues falling within the Committee's competences, or discussions leading to an opinion from the Committee on legislative proposals prepared by the Commission's services. Where a favourable opinion is given, the legislation may be adopted by the Commission and is subsequently published in the Official Journal. These proposals may, as was the case with the current complaint, be based on recommendations made by the Food and Veterinary Office following the completion of control and inspection missions.



Norrfrys Ab is a Swedish-based company with branches and production units in Finland, Poland and Russia. It was founded in 1972, and employs about 350 staff. Its products include wild and cultivated berries, juice concentrates, mushrooms, game meat and other meats for the industrial, catering and retail markets. It produces about 10 000 tons of wild berries, 5 000 tons of cultivated berries and 2 000 tons of game meat annually.

The Swedish Minister of Agriculture wrote to Commissioner Fischler on 26 February 1996. In her letter, she referred to a proposed import of reindeer meat, and emphasised the importance she attached to the mission. She asked that the mission be undertaken without further delay in view of its impact upon certain parts of the farming sector in Northern Sweden. The Commissioner replied to the Minister on 17 March 1996, indicating that it might be possible to pursue the issues raised by the Minister further during a separate mission that was to take place shortly in Russia in relation to milk production standards.

In addition, in 1997, the Commission received a formal request from the Swedish authorities to allow imports of reindeer meat and game bird meat from certain regions in the North West of Russia. In this letter the Swedish authorities explained that imports of reindeer meat had taken place for thirty years prior to Sweden's accession to the European Union, but had been stopped at accession due to the provisions of Commission Decision 93/242/EEC (2) , which banned, inter alia, imports of bi-ungulate meat from the whole of Russia. They requested that the Commission carry out a mission to Russia as quickly as possible to examine the possibility of amending this prohibition to allow for imports of reindeer meat.

The Head of the Veterinary Department of the Ministry of Agriculture and Food of the Russian Federation wrote on 31 March 1997 to the Director-General of DG Agriculture requesting that an urgent mission be undertaken by the Commission's veterinary services to the Northern regions of Russia, with a view to allowing imports from the Murmansk region.

An exchange of correspondence took place in January to May 1998 between Norrfrys Ab and the Commission. Norrfrys Ab indicated its desire to see a rapid lifting of the prohibition on the importation of reindeer meat from Russia, and posed a number of questions concerning the proposed veterinary mission. In addition to responding to the specific issues raised by Norrfrys Ab, the Commission indicated in its replies that it was not possible at that time to give a firm date for the mission, although one was foreseen. It is common practice for exporters in third countries to contact the Commission in such circumstances. Although these letters received a response, the Commission always aims to work with the national authorities in organising and performing control and inspection missions.

In light of other pressures upon the FVO's resources, it was not possible to plan the mission to Russia until the second half of 1998. Following standard practice, an initial letter was sent on 14 May 1998 by the Director of FVO to the Head of the Veterinary Department of the Ministry of Agriculture and Food of the Russian Federation. The Swedish authorities were informed of the planned mission in a letter from the relevant Head of Unit in the FVO.



In the absence of response from the Russian authorities, the EC delegation in Moscow was contacted on 27 July 1998 and was requested to pursue this issue with the relevant services. The delegation confirmed on 28 July 1998 that the letter had been received, but that the need for the Russian authorities to translate the letter and its annexes had delayed their response.

The inspection team responsible for the performance of this mission comprised two inspectors from the Food and Veterinary Office. In addition, at the invitation of the FVO the Finnish Veterinary Services nominated a representative to participate in the mission as a national expert, in view of her familiarity with the trade in reindeer meat, experience in reindeer meat slaughterhouses and fluency in Russian.

In view of the delays in receiving a response from the central Russian authorities, contact was also taken with the regional authorities in Murmansk, with a view to establish an initial itinerary for the mission. A proposed itinerary from the regional authorities was received via Norrfrys Ab on 16 September 1998. Considerable difficulties were experienced in making direct contact with the regional authorities, due to inadequate communication links. The inspection team made some use of the fax facilities available from Norrfrys Ab in arranging the itinerary of the mission, as this was considered to be the most expeditious means of organising the necessary administrative details. Norrfrys Ab had no input into decisions taken by the inspection team as to the itinerary for the mission. Norrfrys Ab offered to make the necessary ticket reservations and to assist in obtaining visas for the inspection team.

On 17 September 1998, the EC delegation in Moscow confirmed that an oral agreement had been given to the proposed mission. On 25 September 1998, the proposed veterinary mission was formally confirmed for 11-21 October 1998.

A request to the Commission's translation services to provide two Russian/English interpreters was made on 25 September 1998. On 30 September 1998, the Joint Interpretation and Conference Service of the Commission informed FVO that no interpreters were available to accompany the inspection team. Norrfrys Ab was asked to arrange for an interpreter to be available.

The Commission's travel agent was unable to make the necessary hotel and internal flight reservations in the Murmansk region. In view of the very short time available between the formal confirmation and the start of the mission, the inspection team had no alternative other than to request Norrfrys Ab to make the necessary hotel and flight reservations in the Murmansk region through its local agents. It was, however, made clear at that time that the individual inspectors would pay all associated costs directly during the mission. Costs of flights to and from Russia were paid directly by the Commission in the normal manner and the expenditure was reclaimed from the Commission at the end of the mission supported by receipts for the costs incurred, according to standard practice.

The inspection team accepted a courtesy invitation to lunch from the Managing Director Norrfrys Ab during time spent in Moscow. This meal was declared in the mission expenses claim forms submitted to the relevant Commission services after the end of the mission, as laid down in the



Commission's internal procedural rules.

During the mission, the inspection team made use of public transport for which they paid all costs. In a number of instances, cars were used for transport between hotels and offices or sites being inspected. These cars were provided by Norrfrys Ab, and were used by the inspection team, the representatives of the regional Russian veterinary services, the interpreter and the Managing Director of Norrfrys Ab to visit the processing facilities in which Norrfrys Ab had a commercial interest, and which had been proposed by the veterinary services for approval. The regional veterinary services were unable to provide transport and no hire vehicles were available. There was therefore no alternative to using the cars provided by Norrfrys Ab if the objectives of the mission were to be achieved.

The interpreter was present in meetings with the Russian authorities, both at regional level and in Moscow. He was also present during visits to the production facilities. The interpreter was excluded from all internal meetings held by the inspection team during which the mission findings, conclusions and recommendations were discussed.

The Managing Director of Norrfrys Ab did not take part in any of the meetings with the Russian authorities, nor in the inspection team's internal meetings. He was present during visits to the two production facilities in which Norrfrys Ab had a commercial interest. No other production facilities were visited during this mission.

The inspection team held a final meeting at the end of the mission with the Russian authorities in Moscow. The main findings and conclusions drawn by the inspection team were presented to the Russian authorities. The Head of the Russian Federation's Veterinary Department gave a verbal undertaking to the inspection team at this meeting that any outbreak of diseases figuring on the list A established by the Office International des Epizooties and any decision to use vaccination against foot-and-mouth disease, would be notified within 24 hours to the Commission.

A report (3) of the mission's findings, conclusions and recommendations to the national authorities and the Commission's own services was prepared following the end of the mission. The draft report was approved by the Director of FVO and sent to the central Russian authorities. The Head of the Russian Federation's Veterinary Department responded to the draft report on 6 January 1999, enclosing assurances as to the action taken by the Murmansk regional veterinary service in respect of the recommendations addressed to the Russian authorities. This letter offered satisfactory guarantees as to the action already taken, or planned, by the Russian authorities in response to the recommendations made in the report. In particular, it confirmed that the technological and hygiene deficiencies identified during the mission in the reindeer processing premises had been corrected. It also gave guarantees that any outbreak of diseases figuring on the list A established by the Office International des Epizooties would be immediately notified to the central Russian veterinary services.

The approved final report was dispatched to the EC delegation in Moscow for onward transmission to the Russian authorities and sent to all Member States on 11 February 1999.



The final report was presented to the Standing Veterinary Committee for information and discussion on 11 February 1999. At the time the plan for monitoring of residues in reindeer meat, which had been submitted with the letter of 6 January 1999 from the Head of the Russian Federation's Veterinary Department, was still being analysed within the Commission. No proposal was therefore made as to the approval of the Murmansk region for imports of reindeer meat at the Committee meeting.

At the Standing Veterinary Committee meeting on 14-15 December 1999, a draft Commission Decision on the provisional approval of residue plans of third countries according to Council Directive 96/23/EC received a favourable opinion from the Member States. This Decision, subsequently published as Commission Decision 159/2000/EC (4) granted provisional approval to the residue testing plans submitted by a large number of third countries, including those provided by Russia for equidae, aquaculture and farmed game.

Guarantees were given that the Murmansk region had been free of foot-and-mouth disease since 1960, and that vaccination against this disease had not been carried out for more than 30 years. These guarantees were taken into account, in addition to the verbal assurances provided by the Head of the Russian Federation's Veterinary Department at the final meeting with the inspection team and the written guarantees from the Murmansk regional veterinary service, in assessing the acceptability of the animal health situation, and effectiveness of the veterinary controls, in relation to foot-and-mouth disease.

The Standing Veterinary Committee of 12 January 2000 gave a favourable opinion to a draft Commission Decision (5) amending Commission Decision 97/212/EC (6) whereby Russia was included in the list of third countries from which the meat of "cloven-hoofed game, excluding wild swine" could be imported. On date February 2000, the Standing Veterinary Committee gave a favourable opinion to a draft Commission Decision (7) establishing a list of approved farmed game meat processing premises in Russia. At present only a single establishment: Norrfrys Ab Production. Lovozero, Murmansk, has received approval.

For each of the above Decisions, the procedures laid down in the Commission's internal rules were fully respected. No outside influence was brought to bear. In all cases the unanimous approval of the Member States in the Standing Veterinary Committee was received.

In the light of the above, the Commission is fully satisfied that the correct procedures were observed at all stages of the procedures which led to the authorisation of imports of reindeer meat from establishment Norrfrys Production. No evidence of any impropriety on the part of the Commission personnel involved in the planning, performance and follow-up of this mission has been found.

It is recognised that the action necessary to allow the mission to be undertaken fell outside the normal practice in the Food and Veterinary Office in respect of third countries of dealing exclusively through the Commission's own Delegation and the national authorities of the country concerned. However, without the assistance of the exporting company in organising the mission and facilitating its performance, it would not have been possible for it to take place. Throughout



the planning and performance of the mission particular attention was paid to ensuring that no conflict of interest existed and the inspection team retained its independence of action.

In order to emphasise the importance of avoiding any risk of such a conflict of interests the Head of Cabinet of Commissioner Byrne has written to the complainant's association informing it that he has already instructed that the presence of persons in inspection missions other than official representatives should not occur.

The final report of the mission reflected the independent views of the Food and Veterinary Office. In the interests of promoting a fully transparent presentation of the mission, a specific reference to the help offered by the Swedish exporter in its organisation was included at the start of the report (8) .

#### **The complainant's observations**

In his observations, the complainant maintained his complaint and made several additional questions about the checks to supervise operations, the inadequate communication links and the origin of reindeer meat.

#### **Further inquiries**

After careful consideration of the Commission's opinion and the complainant's observations it appeared that there were still some questions which required answers. Accordingly, the Ombudsman asked the Commission to submit a complementary opinion on the issues raised by the complainant.

#### **The Commission's complementary opinion**

In its complementary opinion the Commission made the following remarks:

The Commission received satisfactory written assurances from the Russian authorities that the outstanding technological and hygiene deficiencies in the reindeer processing premises "Lovozero" had been corrected. A further, routine, mission by the Commission's services to the Murmansk region, which included an inspection of the "Lovozero" establishment, took place from 12 to 16 February 2001. Following standard practice, the report was placed on the website of DG concerned, and a copy was attached to the complementary opinion.

The requirement to notify the Commission of an initial outbreak of OIE list A disease relates to instances where the outbreak has been confirmed following laboratory investigation. It is not necessary for each suspicion of a disease outbreak to be notified, although national authorities must carry out any necessary investigations to confirm or refute the suspicion. The Commission is satisfied that the Russian authorities have the facilities to submit samples for laboratory investigation within a very short delay, and that there is access to the necessary laboratory facilities to allow rapid confirmation of OIE list A diseases. As such, the Commission is satisfied that the Russian authorities are capable of notifying the Commission of an outbreak of disease within 24 hours of its confirmation.

The rules governing imports of reindeer meat from Russia are laid down in Commission Decision 2000/585/EC (9) . This Decision requires such meat to be accompanied by official veterinary health certification, attesting that the animals from which the meat is derived have been raised and slaughtered in the Murmansk region of Russia.





The Commission is fully satisfied that the correct procedures were observed at all stages of the procedures which led to the authorisation of imports of reindeer meat from establishment Norrfrys Ab. Lovozero, Murmask. No issues have been raised by the complainant that could lead to a different conclusion being drawn.

**The complainant's complementary observations**

The complainant made in summary the following remarks:

According to the complainant, the inspection report from 12-16 February 2001 only confirms previous doubts about the import procedures.

The Finnish Reindeer Herders' Association is of the view that import from the Kola Peninsula should be banned until it can be ascertained with certainty that the meat abattoirs are respecting the EU standards. If import is continued the complainant requests that the Ombudsman guarantees that all arrangement relating to the import are tested in future so as to guarantee their proper functioning and that EU inspectors inspect the origins of imported meat in order to guarantee consumer confidence.

## **THE DRAFT RECOMMENDATION**

By decision dated 7 December 2001, the Ombudsman addressed a draft recommendation to the Commission in accordance with Article 3 (6) of the Statute of the European Ombudsman.

The basis of the draft recommendation was the following:

1 The complainant alleged that the initiative behind the decision of principle to import reindeer meat from the Kola Peninsula area of Russia was taken by a Swedish company, which has a commercial interest in importing Russian reindeer meat. According to the complainant the Swedish company participated in the on-the-spot inspection carried out in the Kola Peninsula area by making the travel arrangements and providing for the interpretation services during the inspection. The complainant alleged lack of impartiality by the Commission due to the participation of the Swedish company in the on-the-spot inspection.

2 In its opinion, the Commission explained that the mission was carried out at the request of the Swedish and Russian Governments. An exchange of correspondence relating to the mission took place in January to May 1998 between Norrfrys Ab and the Commission. Norrfrys Ab indicated to the Commission its desire to see a rapid lifting of the prohibition on the importation of reindeer meat from Russia.

A proposed itinerary from the regional authorities was received via Norrfrys Ab on 16 September 1998. Due to inadequate communication links the inspection team experienced considerable difficulties in making direct contact with the regional authorities. Therefore, they made some use of the fax facilities available from Norrfrys Ab in arranging the itinerary of the mission. Norrfrys Ab had no input into decision taken by the inspection team as to the itinerary





for the mission.

The Commission's travel agent was unable to make the necessary hotel and internal flight reservations in the Murmansk region. Norrfrys Ab offered to make the necessary ticket reservations and to assist in obtaining visas for the inspection team. In view of the very short time available between the formal confirmation and the start of the mission, the inspection team had no alternative other than to request Norrfrys Ab to make the necessary hotel and flight reservations in the Murmansk region through its local agents. Norrfrys Ab was also asked to arrange for an interpreter to be available.

The inspection team accepted a courtesy invitation to lunch from the Managing Director Norrfrys Ab during time spent in Moscow. This meal was declared in the mission expenses. In a number of instances, cars were used for transport between hotels and offices or sites being inspected. These cars were provided by Norrfrys Ab, and were used a.o. by the inspection team and the Managing Director of Norrfrys Ab to visit the processing facilities in which Norrfrys Ab had a commercial interest, and which had been proposed by the veterinary services for approval. The regional veterinary services were unable to provide transport and no hire vehicles were available. There was therefore no alternative to using the cars provided by Norrfrys Ab if the objectives of the mission were to be achieved. According to the Commission, the Managing Director of Norrfrys Ab did not take part in any of the meetings with the Russian authorities, nor in the inspection team's internal meetings. He was present during visits to the two production facilities in which Norrfrys Ab had a commercial interest. No other production facilities were visited during this mission.

3 Also according to the Commission, for Commission Decision 2000/161/EC and 2000/212/EC, the procedures laid down in the Commission's internal rules were fully respected. No outside influence was brought to bear. In all cases the unanimous approval of the Member States in the Standing Veterinary Committee was received. The Commission was fully satisfied that the correct procedures were observed at all stages of the procedures, which led to the authorisation of imports of reindeer meat from establishment Norrfrys Production. No evidence of any impropriety on the part of the Commission personnel involved in the planning, performance and follow-up of this mission has been found.

4 The Ombudsman noted that according to the case-law of the Court of Justice of the European Communities, respect of the rights guaranteed by the Community legal order in administrative procedures include, in particular, the duty of the competent institution to examine carefully and impartially all the relevant aspects of the individual case (10) . The European Ombudsman considered that principles of good administration require that the Community institutions and staff must not only act impartially, but also demonstrate their impartiality by avoiding any action which could lead to their impartiality being reasonably called into question.

5 Based on the Ombudsman's inquiries, it appeared that although both the Swedish and Russian governments made initiatives to organise an on-the-spot inspection, Norrfrys Ab also made an initiative by contacting the Commission and indicating its desire to see a rapid lifting of the prohibition on the importation of reindeer meat from Russia. Furthermore, Norrfrys Ab and



its Managing Director participated in the on-the-spot inspection by organising:

- hotel and flight reservations; - visas; - temporary fax facilities; - interpretation services; - inspection cars, and - participating in the visits to the two production facilities.

The Ombudsman observed that the Commission has acknowledged that the participation of Norrfrys Ab in the travel arrangements fell outside the normal practice of the Food and Veterinary Office to deal exclusively through the Commission's own Delegation and the national authorities of the country concerned. Moreover, the Commission confirmed that without the assistance of Norrfrys Ab in organising the mission and facilitating its realisation, it would not have been possible for it to have taken place. The Commission also underlined that the only establishment which at present has received approval to import reindeer meat from the Murmansk region is Norrfrys Ab.

6 The Ombudsman also observed that Commission Decision 98/140/EC (11) , which lays down the procedure for on-the-spot checks in the veterinary field in third countries, provides only for Commission experts to be accompanied by Member States experts.

7 For the above mentioned reasons, regardless of whether the presence of Norrfrys Ab affected the substance of the Commission Decisions it was inconsistent with the duty of the Commission and its staff to demonstrate their impartiality. The Ombudsman therefore considered that the fact that the Commission allowed the company, Norrfrys Ab to participate in the on-the-spot inspection constitutes an instance of maladministration, which furthermore brings into question Commission Decision 2000/161/EC and Commission Decision 2000/212/EC.

8 In view of the position adopted by the Commission it did not appear possible to achieve a friendly solution.

The Ombudsman's draft recommendation to the Commission, was as follows:

The European Commission should carry out a new on-the-spot inspection and should consider reviewing Commission Decisions 2000/161/EC and 2000/212/EC in the light of its results.

The Ombudsman informed the Commission that in accordance with Article 3 (6) of the Statute of the Ombudsman, it should send a detailed opinion before 31 March 2002.

#### **The Commission's detailed opinion**

On 11 March 2002, the Commission sent its detailed opinion to the Ombudsman. In summary, the detailed opinion made the following points:

On 12-16 February 2001, the Food and Veterinary Office carried out a follow-up mission to the Murmansk region during which procedures under the Commission rules for the performance of inspection and control missions were respected. The report of the follow-up mission was distributed to the Member States on 22 May 2001 and placed on the website of the DG Health and Consumer Protection on 28 June 2001.



Some deficiencies in respect of the operation of official controls over the establishment were identified during the follow-up mission, which were reported in detail.

On 16 July 2001, the Russian authorities submitted their comments concerning the follow-up report, which were also published. On 8 August 2001, a letter was sent to the Russian Ministry of Agriculture with a request to submit more detailed response to the mission report. In the absence of reply, the relevant services within the DG Health and Consumer Protection were informed that the response by the Russian authorities was regarded as unsatisfactory. On 30 October 2001, a letter was sent to the Deputy Head of Mission of the Mission of the Russian Federation to the European Communities in Brussels, stating that "in the absence of necessary assurances from the Russian authorities, the Commission will have to review the approval of the import of reindeer meat from the Murmansk region."

By letter dated 5 November 2001 the Russian authorities provided the Food and Veterinary Office with additional information concerning the mission report and the results of their veterinary residue and microbiological monitoring programmes during October 2001. This information, which was considered to respond to the issues raised in the recommendations of the follow-up mission report, was submitted to the relevant Commission services, which concluded that no further action was needed.

The Commission considered that the main recommendation of the Ombudsman has been satisfied as a follow-up mission had already been carried out. In the light of the findings of the follow-up mission and assurances subsequently received from the Russian authorities, the Commission also considered that Commission Decisions 2000/161/EC and 2000/212/EC do not require amendment.

#### **The complainant's observations on the Commission's detailed opinion**

The Secretariat of the Ombudsman contacted the complainant by telephone and was informed that the complainant was satisfied with the Commission's detailed opinion.

## **THE DECISION**

On 7 December 2001, the Ombudsman addressed the following draft recommendation to the Commission:

The European Commission should carry out a new on-the-spot inspection and should consider reviewing Commission Decisions 2000/161/EC and 2000/212/EC in the light of its results.

The Commission's detailed opinion informed the Ombudsman that the Food and Veterinary Office had already carried out a follow-up mission to the Murmansk region during which procedures under the Commission rules for the performance of inspection and control missions were respected. In the light of the findings of the follow-up mission and additional information subsequently provided by the Russian authorities in a letter dated 5 November 2001, the Commission considers that Commission Decisions 2000/161/EC and 2000/212/EC do not require amendment.



The Ombudsman considers that the measures described by the Commission in its detailed opinion satisfy the requirements of the Ombudsman's draft recommendation. The Ombudsman therefore closes the case.

The President of the European Commission will also be informed of this decision.

Yours sincerely,

Jacob SÖDERMAN

- (1) Council Decision 68/361/EEC of 15 October 1968 setting up a Standing Veterinary Committee, 1968 OJ L 225/23.
- (2) Commission Decision 93/242/EEC of 30 April 1993 concerning the importation into the Community of certain live animals and their products originating in certain European countries in relation to foot-and-mouth disease. OJ L 110, 4.5.1993, pp. 36-40.
- (3) Mission report XXIV/1472/98-MR on a routine mission carried out to Russia from 11-21 October 1998 in the field of animal and public health and Working Document XIV/1472/98-WD.
- (4) Commission Decision 159/2000/EC of 8 February 2000 on the provisional approval of residue plans of third countries according to Council Directive 96/23/EC. OJ L 51, 24.3.2000, pp. 30-36.
- (5) Commission Decision 2000/161 of 14 February 2000. OJ L 51, 24.2.2000, pp. 38-40.
- (6) Commission Decision 97/217/EC of 28 February 1997 establishing groups of third countries which are able to utilize the veterinary certification for imports of wild game meat, farmed game meat and rabbit meat from third countries. OJ L 88, 3.4.1997, pp. 20-24.
- (7) Commission Decision 2000/212/EC of 3 March 2000. OJ L 65, 14.3.2000, pp. 33-34.
- (8) "The mission team was composed of 2 inspectors from the Food and Veterinary Office (FVO) and one Member State expert. The team had the services of a translator provided for by the company wishing to export to Sweden. The Director of the company who helped with travel arrangements accompanied the team but he did not attend any of the technical meetings.", point 1.1, Mission details, Final report on a routine mission carried out to Russia from 11-21 October 1998 in the field of animal and public health, XXIV/1472/98 - MR Final, p. 3.
- (9) Commission Decision of 7 September 2000 laying down animal and public health conditions and veterinary certifications for import of wild and farmed game meat and rabbit meat from third countries and repealing Commission Decisions 97/217/EC, 97/218/EC, 97/219/EC and



97/220/EC. OJ L 251, 6.10.2000, p.1.

(10) Judgment of the Court of 21 November 1991 in Case C-269/90, Technische Universität München v Hauptzollamt München-Mitte [1991] ECR I-5469.

(11) Commission Decision 98/140/EC of 4 February 1998 laying down certain detailed rules concerning on-the-spot checks carried out in the veterinary field by Commission experts in third countries, OJ L 138, 12.02.1998, p. 14 - 16.