

SMUGGLING OF LIVE ANIMALS AND FOOD: CURRENT PRACTICE, PREVENTION AND REPRESSION TOOLS

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***Summary:** Illegal movements (smuggling) of live animals and their products, particularly in large volumes, can have a significant impact on animal and public health, consumer confidence and national economies.*

Smuggling is considered to be an important issue by a majority of Member Countries of the OIE Regional Commission for Europe, and a variety of actions are being taken to deal with it.

This report provides a broad overview of countries' perceptions of the issue and of actions they take, and outlines recommendations for consideration by the OIE Regional Commission for Europe. These recommendations highlight the need for increased cooperation between veterinary and customs services, collaboration and information sharing between Member Countries, and technical assistance and training. It is, however, important to recognise that the extent and nature of illegal practices contribute to uncertainty about the risk for Member Countries.

Key words: Europe – smuggling – veterinary service – customs – customs check – public health – animal health – international trade – pathogen – transboundary animal disease

Introduction

Worldwide, significant changes are occurring in animal production and health management, including a trend towards increased globalisation, greater demand for animal protein, intensification of livestock production, and an increase in the trade in livestock and livestock products [2]. However, different countries have different priorities, varying financial resources and contrasting levels of infrastructure. At the same time, there is a steady increase in the movement of people and animals and animal products among these countries. These movements present challenges not only to individual countries but to the international community as a whole [1]. There is a need for Veterinary Services to adjust their operational policy to accommodate these ongoing changes in the institutional and commercial environment [3].

In Europe, increasing emphasis is being placed on animal health, human health and consumer protection. Sustainable rural development remains an equally important aim and presents significant challenges in the overall economic development of many countries. Economic losses associated with disease outbreaks are often reflected in wider impacts on animal health, food security and safety, and rural development and livelihoods.

The WTO³ Sanitary and Phytosanitary Agreement ('SPS Agreement') forms the basis for trade rules for the protection of animal health, veterinary public health, and plant health. The SPS Agreement enables harmonisation of sanitary regulations under the umbrella of a single competent authority.

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3 WTO: World Trade Organization

In the field of animal health, including zoonoses, the competent authority is the OIE. In addition to its existing mandate in the area of international trade in live animals and their products, the OIE performs other roles, as set out in its Fourth Strategic Plan (2006-2010) adopted at its General Session in May 2005 [4].

The Plan introduces key strategic guidelines focused on three major areas of activity. One of these areas relates to reinforcing the role of OIE and strengthening regional activities through its Regional Commissions and its international network of Reference Laboratories and Collaborating Centres. The other two relate to further improving relationships with donor agencies and international partners (e.g. the FAO¹, World Bank, WHO²) and raising awareness among OIE Member Countries' governments to encourage their increasing investment in animal health.

Control measures to prevent and deal with animal disease outbreaks are laid out in the OIE *Terrestrial Animal Health Code* and *Aquatic Animal Health Code*. In most cases, a key strategic component is to limit movements of live animals and animal products according to the disease risk those movements may pose. The aim of this control measure is to mitigate the potential for spread of disease within an affected country and to unaffected countries in the region or worldwide through legal and illegal movements in animals and their products. These controls work well if they can be applied consistently. However, historically, many introductions of animal diseases and their spread within a country, region or worldwide have been attributed to illegal movements (smuggling) of live animals or their products.

The word 'smuggling' is used to describe both unintentional and intentional illegal movements of live animals and animal products. Unintentional movements across national borders may result from seasonal movements of livestock for grazing or from travellers bringing in small amounts of traditional food for personal use. This kind of movements needs to be distinguished from intentionally organised international movements of live animals or large quantities of their products without following international standards and established rules for trade. However, both types of movements may potentially result in disease agents being introduced and becoming established in a previously unaffected country. They can affect animal health in these countries; they also may result in sporadic to significant adverse public health events caused by a disease agent or the presence of unacceptable levels of medicinal or other residues in foods. Reactions to these events, either at the national or international level, are often reflected in a rapid decline in public confidence in the role of primary producers, processors and government in the area of animal health, food production and the supply chain.

1. Method

This report provides a broad overview of the perception of smuggling among countries which are members of the OIE Regional Commission for Europe. It discusses action being taken by those countries and outlines recommendations for consideration by the Regional Commission.

Observations are largely based on responses to a questionnaire that was sent to the members of the Commission, designed to ascertain the significance of smuggling of live animals and their products. In some instances, other sources of information have been used in an attempt to further clarify issues and put them into context.

2. Results and discussion

For the purpose of this study, smuggling was defined as the intentional or unintentional movement of live animals and their products across borders outside the internationally established rules for trade in these goods. Gathering an evidence base in this area is difficult. While countries may be aware of the level of seizures of smuggled goods, it is impossible to know how much smuggling goes undetected, and to properly define the real risk posed by this activity.

Within the context of smuggling, the distinction between unintentional and intentional or organised movements must be kept in mind. The factor contributing most to the unintentional introduction of a disease agent into unaffected areas is considered to be movement of live animals, particularly in areas of the Region where political issues make controls difficult or animals are moved across borders for summer grazing. As far as intentional smuggling is concerned, economic incentives (e.g. fraudulent certification or movement of food for commercial purposes) are recognised to play a significant role, and vary with different commodities.

However, it remains unclear to what extent disease introductions may be attributed to goods that may have been brought in unintentionally or as a result of intentionally organised smuggling of live animals or their products for public consumption.

1 FAO: Food and Agriculture Organization of the United Nations

2 WHO: World Health Organization

2.1. Level of interest

Of the 50 OIE Member Countries to which the questionnaire was sent, 43 responded. The fact that 86% of countries replied is indicative of a high level of interest in the Region in the issue of smuggling of live animals and their products.

Most countries considered smuggling as an important issue that could potentially have a significant impact on animal and public health and on their economies. In some countries, smuggling is high on the political agenda and achieves high prominence, although they perceive the impact of smuggling to be less significant. A complex political situation in an area may be a barrier to some countries dealing with smuggling effectively.

Eleven of the countries responding to the questionnaire considered (two of them tentatively) that they had experienced outbreaks of animal diseases due to smuggling. Most of these outbreaks were caused by foot and mouth disease (FMD) virus. Other introductions ranged from repeated cases of rabies to single introductions of porcine reproductive and respiratory syndrome (PRRS), *Brucella melitensis*, parvovirus, and tularemia.

The importance of agriculture was viewed to be moderately or very important to national economies by almost half of the countries in the region. The relative contribution of agriculture to gross domestic product (GDP) of countries varies widely across the region, ranging from approximately 0.6% to 50%.

2.2. National legislation

Smuggling of live animals and animal products for public consumption is classified as an illegal activity under the national legislation in most Member Countries in the region, and various penalties are placed on those identified as being involved. Penalties range from imprisonment, high financial penalties, destruction of consignments, revocation of licences or restricting operators' movements for a period of time. However, many countries consider that these may not act as a sufficient deterrent because the penalties are low in financial terms and prosecution takes a long time.

Some countries reported that there were few repeat offenders. However, it remains uncertain to what extent smugglers may be willing to accept a certain level of risk that their consignments will be intercepted at the point of entry. It also remains uncertain whether smugglers will stop their activities once they are caught or whether they might attempt to find alternative routes and may remain undetected. Should they attempt to find alternative routes, this would suggest a high level of awareness of the rules in such cases.

2.3. Cooperation

In most countries there is liaison and coordination between Veterinary and Customs Services. Most countries also place emphasis on coordination with other countries at both local and central level through bipartite meetings and training. Nevertheless, a few countries reported that they did not share best practices and intelligence with other countries.

2.4. Risk assessment

The majority of Member Countries in the region have used risk assessment to try to evaluate the extent of smuggling and determine the type of control actions to be carried out. On the basis of perceived risk, many countries exercise a range of simultaneous control activities at their entry points for various consignments. These include documentary checks, targeted and random checks of consignments, postal controls, x-ray scanning, sampling, storage and disposal. In addition, some countries use public awareness campaigns (domestic or foreign, or in-flight announcements), amnesty bins at airports, and detector dogs.

2.5. Official entry points

The number of official entry points for imported animals and animal products varies greatly among Member Countries in the region, ranging from one entry point to hundreds. Locations of these entry points are based on geography and trade flows. Resources available at each entry point also vary greatly, with some countries having full time staff and others having staff who will only be deployed when a consignment arrives.

In many cases, those countries which consider agriculture as important may be at highest risk because they do not have sufficient resources available to mitigate the extent of smuggling. However, there appeared to be consensus among respondents that it is important to balance the cost of enforcement against the potential benefits of risk reduction.

Recent evidence from some countries appears to demonstrate a general decline in smuggling of live animals. However, it remains uncertain whether this decline indicates success in enforcement or whether more illegal consignments are getting through without being intercepted. In some other countries, economic incentives have contributed to an increased number of pets being smuggled into their territories (e.g. fashionable small dogs).

At the same time, large consignments of poultry or buffalo meat have recently been intercepted in Europe. It remains unknown whether these consignments of meat were 'one offs', or part of sustained supply due to on-going demand.

It is generally recognised that international bans on trade in certain live animals and animal products may result in lowering the price of these commodities in the countries affected, and create incentives for organised smuggling if a profit can be achieved. It remains uncertain to what extent the 'end-users' (e.g. hotels, butchers, restaurants, food outlets) in the recipient countries may play a role in creating a market for smuggled animal products.

2.6. Resources

Most countries have funds and resources to manage their entry points.

While most countries provide training for their staff at the border, some countries that consider smuggling as an important issue are unable to provide such training due to lack of resources. Various types of training are provided by organisations such as the European Commission Technical Assistance Information Exchange Unit (TAIEX). Twinning arrangements, workshops or specially funded courses are also in place in a number of countries.

The responding countries highlighted that the most significant difficulties in dealing with smuggling are: coordination across services and countries; the impracticability of physically checking all consignments at the border; lack of resources; long frontiers or being an island; dealing with ownerless goods and unaccompanied animals; being unable to check consignments during transshipment; long court procedures; low penalties; shortage of real-time information; inability to assess general and consignment-by-consignment risk; and lack of awareness campaigns.

2.7. Tests and record keeping

Most countries do not test seized consignments for specified disease agents. However, the pathogens causing FMD, bovine tuberculosis, brucellosis and avian influenza have been detected in seized consignments that have been tested. These results highlight a possibility that smuggled consignments of animal products may originate from animals with unchecked animal health status or from animals that have been sold at discounted price due to being recognised as contaminated.

Nearly a half of the responding countries keep information on seizures in an electronic form. Other countries maintain written records which are kept at their entry points and are not collated nor coordinated. Some countries have built up limited baseline data, in particular in relation to goods brought in unintentionally by arriving passengers, so certain comparisons may be possible on a country by country basis to ascertain the extent of this issue in the Region. However, the extent of intentionally organised smuggling remains largely uncertain because there is no reliable baseline data available on a country-by-country basis to enable practical assessment.

2.8. Carriers

Twelve countries reported that they do not involve transport companies in anti-smuggling activities. Other countries that do involve transporters ensure they are part of the information flow, mainly through transport associations. In some countries, Veterinary Services are involved in licensing transporters. In other countries transport companies are involved in training.

The responses to the questionnaire suggest that the risk of damage to the reputation of transporters (particularly air carriers) and revocation of their licence to operate are sufficient to deter them from actually taking part in smuggling, particularly on a large scale. While it is unlikely that large

transporters (i.e. airlines) are involved in smuggling, it remains uncertain to what extent some of their employees, acting independently, could be involved.

It is likely that various transport agents use different transport companies to move their goods. These transport companies may often have no complete knowledge of what is in the containers they move. There are also large numbers of private and charter executive jets that fly into small airports. It remains unknown to what extent they may be regulated and subjected to customs checks. A similar situation may apply to yachts arriving at small ports or marinas.

2.9. Cultural factors

Historical and family ties may also play a role in bringing in animals or food for personal consumption. It is considered that increased movements of people, both regionally and internationally, and increasing diversity of populations, could contribute to increased numbers of passengers carrying traditional foods. In many countries, the number of seizures of food for personal consumption from arriving passengers is increasing, particularly in packages weighing less than 20kg. However, it remains difficult to ascertain whether this is due to more attempts to bring in food for personal consumption or a result of increased enforcement activity.

2.10. Potential for improvement

In many countries, the authorities take appropriate action (i.e. confiscate, destroy or return consignments) when such goods are intercepted (seizure) at the entry point. These actions are aimed at mitigating the potential for diseases to be introduced into the country, in order to protect their animal health status and avoid interruptions to national and international trade in animals and animal products, and to protect public health and economic development.

In addition to these actions, the responding countries believe that their attempts to deal with smuggling would be improved by: more and better coordination between countries; increased resources and public awareness; more check points and a more intensive inspection regime; checks at the point of origin; availability of standardised database software and electronic notification of intercepted large consignments (e.g. a 'global' rapid alert system for food and feed); introduction of written passenger declarations; and training. Improvements in these areas would increase our ability to understand the extent and nature of the issue of smuggling in the region and assist prioritisation and planning of activities.

3. Conclusions and recommendations

Smuggling is considered to be an important issue by regional Member Countries.

At a country level it is vital to ensure political commitment, an effective legal base and coordination of activities between various government departments, other agencies and industry, transport companies and potential 'end-users' to effectively deal with this issue.

Countries with fewer resources and funds consider that they would benefit from assistance from other countries, particularly in training, meetings and improved information flow.

The OIE can contribute at the regional level by encouraging increased cooperation and sharing of intelligence. One way forward could be through an agreement between the regional member countries, the elements of which could be further examined by a working group and pilot studies. As a starting point, a working group should consider existing structures such as the European Anti-Fraud Office (OLAF¹), electronic notification systems in the region and the OIE that could be adapted easily, sharing best practice and fostering closer links in the region. The outcomes could then be piloted under the auspices of the OIE Regional Commission for Europe and any innovations, if successful, could be presented to the OIE for further consideration.

All the countries that responded to the survey consider that the OIE could contribute to attempts to deal with smuggling at the international level by: ensuring intergovernmental collaboration; information campaigns; setting international standards; and producing an evaluation of economic incentives.

Practical experiences from some countries suggest that partnership between veterinary and customs services in planning and applying risk management measures on the basis of risk assessment has been the key issue in improving the use of limited enforcement resources. Therefore, a revision of the chapter of the

1 OLAF: *Office européen de lutte anti-fraude*

Terrestrial Animal Health Code relating to the evaluation of Veterinary Services should be considered, with a view, in particular, to emphasising the link to customs services.

In addition, the OIE should examine whether its existing notification system could be modified to include notifications on intercepted large consignments by member countries. It should also consider the extent to which the existing international organisations that deal with transport companies on a global level may be involved in the process (e.g. IATA¹ or similar organisations).

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1 IATA: International Air Transport Association