EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY

Food chain: stakeholder and international relations
Multilateral international relations

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FINAL NOTE FOR THE FILE

Subject: **Summary Report of the Expert Group on veterinary import controls legislation "veterinary checks" – 30.05.2016**

Participants: **Veterinary representatives from all Member States except Bulgaria, Cyprus, Greece and Poland; representatives from Norway and Switzerland.**
Commission Personnel (COM): DG SANTE: Patricia Langhammer (D2), Bruno Saimour (D2), Nicolas Guth (D3), Izaskun El Busto Saenz (F4), Matjaz Klemencic (G2), Ewa Camara (G2), Kaido Kroon (G3), Tua Goldman (G3), Eric Thevenard (G4), Pamina Suzuki (G4), Didier Carton (G5).

Introduction:

COM welcomed the MS to the meeting and presented the updated Agenda, as attached.

The following points were added for discussion:

- Referring to the news circulated in the RASFF network (News 16-814), DK asked if COM had more information on the mass fish kills which were observed along the Vietnamese coasts. COM explained that the Vietnamese authorities are carrying out investigations and that the fish kill is possibly caused by a chemical pollution from an industrial accident. The Vietnamese authorities have beefed up their SPS checks at ports and COM does currently not see the need to increase checks at border inspection posts.

- Concerning the approval of reefer vessels, DK suggested that a transitional period, even unofficial, should apply. COM answered that there is no legal basis in EU legislation to apply such transitional period. Moreover, the situation is not new and the position of COM has been known for years. In addition, DG MARE has made a high pressure on non-Union countries to be compliant with EU legislation without delay.

- HU asked clarification on the import conditions for live worms intended for fishing baits. COM answered they are live animals, which can be checked in the

products facilities of BIPs according to national import conditions, however, they need to be accompanied by the CVED for live animals.

1. REVIEW OF LEGISLATION

COM informed that the work on the draft Official Control Regulation (OCR) in the Council's Joint Working Party of Veterinary Experts (Public Health) and Phytosanitary experts continued. The Dutch Presidency aims at adopting the document soon and several trilogues and Attaché meetings took place to find compromises on the critical issues.

The next trilogue is scheduled for 15th June and as soon as the draft OCR is adopted, COM can start to work on the secondary legislation.

2. RE-ENFORCED CONTROLS

COM gave a presentation of the re-enforced check regime (REC) in TRACES and indicated that around 65% of RECs are launched by MS, against 35% by COM. The RECs launched by COM are mainly based on market controls for which the RASFF national contact points forget to propose REC measures. Nevertheless, from the beginning of 2016, the rate of RECs launched by MS tends to improve (78%).

Some small reminders were delivered:

- Weight limit of 10%: This rule, which automatically excludes low weight consignments from the calculation, applies only to active RECs. It does not apply to imposing checks considering there is no calculation in this case.

- The legal criterion for histamine in Regulation (EC) No 2073/2005 is accompanied by Footnote 17 giving some examples of fish families associated with a high amount of histidine. COM reminded MS that this footnote does not represent the exhaustive list of concerned fish species and an exemption request cannot be based on the only reason that the fish species does not belong to the list.

REC on allergen labelling

COM reminded the MS that, in case of REC on allergen labelling, the "hazard" area in TRACES clearly mentions that the measure is focused on "labelled particulars" and not on laboratory analysis. Nevertheless, some old active RECs and imposing checks are still pointing the hazard "albumin" and this cannot be changed for technical reasons. But COM explained that the same principle may apply to these old RECs. If the allergen clearly appears on the label during the veterinary checks, in a view to avoid wasting time by requesting exemptions, the BIPs are allowed to input the satisfactory result directly in TRACES. In these cases, the laboratory test must be registered as "albumin", as the system needs it to validate the REC measure. However, for clarity reasons, the BIPs may precise in one of the free text areas, such as "Results", that the check was based on the label reading only.

Fishery products from Vietnam

Considering that Vietnam has been subject to numerous RASFF notifications in relation to non-compliances with veterinary drugs MRLs in fishery products, COM will take tougher measures. In case residues of forbidden substances listed in Table 2 of the Annex to Regulation (EU) No 37/2010 would be identified, establishments of origin would be withdrawn from the list of Vietnamese establishments authorised to export to the Union. A transitional period might be used to inform Vietnam that they must stop the certification for the concerned establishment. In the meanwhile, any consignment arriving from this establishment to EU borders would be placed under re-enforced checks.

Fishery products from India

For the same reasons, Decision 2010/381/EU will be amended soon to raise the rate of laboratory checks performed at EU borders from 10 to 50%. In addition, if residues of forbidden substances listed in Table 2 of the Annex to Regulation (EU) No 37/2010 are identified, establishments of origin will be withdrawn from the list of Indian establishments authorised to export to the Union.

Salmonella in fresh fish

BE raised a case of REC launched for Salmonella in fresh Nile perch, despite the absence of food safety criteria in Regulation (EC) No 2073/2005. COM explained that this case was subjected to a thorough risk assessment from COM experts. Given that Nile perch may be consumed as ready-to-eat food, raw in sushi and sashimi, or in marinated dishes, COM considered the proposal sound enough to launch a REC based on Article 14 of Regulation (EC) No 178/2002.

BE asked if, in case of such unfavourable test results, the products could be labelled in the BIP that they can only be consumed heat treated. After the expert group, COM clarified that there is no legal basis for this. However, heat treatment before accepting the relevant consignment for import could be requested by the BIP as provided for in Article 20 of Regulation (EC) No 882/2004.

RECs for STEC

In the same spirit, concerning decisions to make on non-EU harmonised criteria, FR delivered a short presentation on their position in case of unfavourable test for STEC when the consignment is intended for another MS. In Court, it could be difficult to justify measures taken on the basis of the legislation from another Member State and they wish to avoid such situation. Therefore, in case a pathogenic serotype would be detected, they would reject the consignment with a transformation decision, so that it could transit to the MS of destination, where the final decision would be made (heat treatment, destruction).

3. OVERVIEW ON DIRECTORATE F AUDITS ON ASF CONTROLS AT THE BORDER

COM presented the conclusions from the fact finding visits to evaluate controls at the Union borders aimed to prevent the introduction of African Swine Fever (AFS).

8 MS bordering RU, BY and UA were visited in April 2016 focusing on controls on livestock vehicles and passenger controls. Most of the shortcomings are linked to the implementation of EU legislation and COM noted room for improvement. Training of

customs carrying out controls is crucial to ensure that they are aware of the animal health risks in personal luggage, including sandwiches.

ES raised difficulties with the validity of the drivers declaration and BE agreed to the need to instruct customs properly due to the differences in veterinary and customs legislation. COM concluded that it is for MS to improve their performance, also with the implementation of sanctions in case infringements are found.

4. TRACES ISSUES

a) CVEDA and CVEDP

A revised version of the draft CVEDA and CVEDP had been distributed before the expert group and written comments were received from one MS. COM went through the documents and comments were received to boxes I.1 (re-imports and origin), I.8 (name of signatory kept or deleted), I.9 (entry point and definition), I.12 (scheduled ferry to be deleted or optional), I.14 (non-conforming goods not concerned), I.10 and I.13 (triangular trade and sanitary definition of the origin), I.18 (limited to food, not applicable for ABP), I.19 (replace transit by transhipment, change order (BCP, third country), final decision to be taken or full checks to be carried out), I.20 (add air transport for direct transit), I.29 (change title of CN by text), II.3 (in case of national requirements only one box to be selected), II.4, II.11, II.12 (veterinarian procedure to be clarified as T5 does not exist anymore), II.17 (TRACES will send the message), II.18 (to extend to split consignments), II.16 (RASFF must be triggered only for food and feed not for wool for ex.), II.22 (T5 procedure does not exist anymore and should be removed) of the CVEDP.

For the CVEDA, MS commented on space to include the microchip number and individual identification and the pets declaration; further comments referred to box I.14 (add name, address and approval number and must be compulsory for all consignments), I.19 (change the order between BCP and third country), I.23 (re-entry of horses cannot be considered as a re-import, what about the re-importation policy), I.24 (local authority to be turned in local veterinary unit), I.25 (to exclude the re-import procedure as re-entry of horses is not controlled), I.29 (change title by text, introduce individual identification in the description of goods for all animals) and III.2 (no legal base for the control of the temporary admitted horses, should be removed). The guidance for transhipment of animals to a second BIP should be changed to request the issuance of a second CVEDA.

COM will consider the comments and asked those, who announced to provide written comments to send them within 2 weeks after the expert group.

b) IAS controls

Due to enforcement of Regulation (EU) No 1143/2014 on the prevention and management of the introduction and spread of invasive alien species (IAS), one MS choose to involve border inspection posts in these IAS controls. COM asked MS for their views to include a reference to IAS in the CVEDA and while one MS replied affirmative, others were not yet in the position for comments and wanted to provide feedback in writing. COM reminded them that Article 15 of the above Regulation provides a clear

legal basis for the use of the CVED for IAS controls. Partial rejection of consignments was raised and shortly debated.

c) Import certificate

A revised version of the draft import certificate had been distributed before the expert group and written comments were received from one MS. COM went through the proposal and comments were provided to box I.12 (delete "free" where it is written customs/free warehouse), I.13 (the wording regarding the place of loading in case of a transhipment must be clarified or this option be removed) , I.19 (add a box for official seal), I.20 (to add in the model the option "artificial reproduction", remove from the definition of "quarantine" the reference to Directive 92/65/EC that falls into the definition of "approved body", "pharmaceutical" wished but under "technical use") and I.22 (wording to be reviewed regarding "definitive import" that includes "re-entry" and "temporary admission").

COM will consider the comments and asked MS to provide written comments within 2 weeks after the expert group.

5. TAXUD ISSUES

COM reported that the EU-CVED Single Window Project is evolving and now six MS are participating (CZ, IE, PL, SI, LV, BG) with two more (CY and LT) to join by end of June. A meeting between TAXUD and SANTE took place beginning of May during which it was agreed that the scope of the project will be expanded to more certificates. As TRACES NT will host the Certificate of Organic Inspection (COI) and the FLEGT certificate, TAXUD will start to prepare the business case for electronic exchange of information of these two certificates.

In reply to a MS on the origin of fishery products from an EU vessel, COM explained that if an EU vessel unloads fishery products in a third country (with or without storage and onward transport in a container), under EU sanitary legislation the country of origin of the fish changes (the third country becomes country of origin) whereas under customs legislation, the fish stays an EU product.

COM clarified that sanitary import controls have to be carried out on these consignments although COM is aware that there are difficulties for customs to detect these consignments. COM is working on a draft legislation referring to a simplified health certificate, co-operation with customs and lighter import controls carried out by the BIPs, which had been presented to the expert group last year.

6. MISCELLANEOUS

a) Update of positive list

COM explained that since the presentation of the draft update of the positive list (document SANTE/11257/2015) in the Committee for Plants, Animals, Food and Feed,

comments were received from DE, PL, ES, UK, SE and DK, in particular to lanolin, used cooking oil (UCO) and food supplements as mentioned in Annex II to the draft.

COM detailed the changes/clarifications made in Revision 1 of the document and clarified that the positive list should not serve as a document laying down the import conditions but only as a document helping customs to see, which products have to go to BIP controls and which not. The import conditions for particular commodities should be drafted by the animal or public health experts within the appropriate working group.

On request of IT, COM clarified that there is no legal basis in EU legislation to exempt products under CN 3105 10 00 from veterinary checks in BIPs. DE referred to the last changes to the hygiene package and that not all amino-acids, such as glutamine acid (2922 42) are included in the draft. COM replied it would be difficult at this stage to add new CN codes to the list but this would be considered for the next amendment.

In reply to BE, COM clarified that the CN codes in the notes part of the health certificates are to be seen as some examples but not as an exhaustive list.

ES requested clarification as to when UCO needs to be checked in a BIP and when not. COM clarified that UCO may be excluded from BIP control, if it is not planned to be used within the scope of the animal-by-product legislation. However, import conditions for UCOs will be discussed in the next working group on animal-by-products, which will take place on 06.06.2016.

b) Update of BIP list

COM informed that the last update to the BIP list (Commission Implementing Decision (EU) 2016/685) was published on 29.04.2016 in OJ L 117. COM would like to start drafting an amendment Decision and asked MS for contributions using the attached template to assist in transferring correctly any changes to the list of BIPs/TRACES units, which should be sent to the following e-mail addresses:

SANTE-consult-D2@ec.europa.eu or SANTE-TRACES@ec.europa.eu


template for changes.doc

c) Aquatic diseases (WSD)

COM received claims from non-EU countries about consignments of live shrimps which would have been rejected at EU borders because the certificate did not present any health guarantee on White Spot Disease (WSD). In this matter, COM explained that there is no need for WSD certification according to the following clarification:

- Health guarantees for WSD are provided with Paragraphs II.4 and II.5 of the model certificate of Annex IV, part A, to Regulation (EC) No 1251/2008. They are both accompanied with Footnote 6.
- Footnote 6 advises that such guarantees are needed only if the MS of destination is officially free from WSD or if the MS applies an eradication programme approved by Decision 2009/177/EC.

- To know the official status of EU MS, BIPs may refer to this website http://ec.europa.eu/food/animals/live_animals/aquaculture/index_en.htm , where they will check that no country or zone within the EU is officially free from WSD and that no eradication programme is currently approved.
- As a conclusion, Paragraphs II.4 and II.5 of the model certificate of Annex IV, part A, must be invalidated for any importation of live shrimps.

d) New Zealand Agreement

COM explained that Commission Implementing Decision (EU) 2015/1901 details the generic health certificate for imports from New Zealand. The draft version of the product specific models, which have been agreed with the CA from New Zealand had been sent to MS for comments.

A question arose to the reduction of identity checks to seal checks only as in the above health certificate the use of a seal is not indicated as mandatory. COM informed that they agreed with NZ to change explanation to box I.21 with a reference to an "official" seal number.

Another question challenged the legal basis for laying down the model health certificate would be Article 16 of Regulation (EC) No 854/2004 and not Article 11 (1) of the same Regulation. COM explained that the issue was carefully considered by COM services and it was concluded that there would not be sufficient reasons for amending the Decision.

e) Controls on US/NATO consignments

Postponed to next expert group.

f) Status of polo ponies

On request of a MS COM had clarified that ponies, including polo ponies, may belong to registered equidae, if they are purebred breeding animals entered in a studbook in accordance with the rules laid down Directive 90/427/EEC or if they are sport horses registered with an international association or organisation (Federation Equestre International (FEI)), or a national federation which is a filial organisation of the FEI, and identified by means of an identification document issued by that association or organisation. The explanation was given based on Article 2(e) of Implementing Regulation (EU) 2015/262.

UK outlined difficulties with non-compliant polo ponies destined to UK, which entered the EU through BIPs in other MS, and emphasized how important it is that the same rules of import controls and conditions are applied in all BIPs in the EU to avoid in future such occurrences.

g) Import of frog legs and snails

COM reminded MS that, a year ago, SANTE F started compiling the national lists of establishments authorised to import frog legs and snails into the Union kept by MS. This compilation is finished and the lists were entered into TRACES and published on the

Internet on 1st March 2016. This means that, from that date, these lists must apply in a harmonised way in the whole Union. It means as well that these both sectors are fully harmonised now and that the national lists are not applicable any longer.

On request COM clarified that the transitional period for the health certificates ends 3rd December 2016 and that living land snails for human consumption are considered to be live animals, for which national import conditions are applicable.

h) Channelling of raw material for gelatine/collagen

COM explained that, according to Regulation (EU) 2016/355 and Regulation (EU) 2016/759, raw materials for production of gelatine and collagen for human consumption must be channelled to the establishment of destination where the product may pose a risk of animal health (animal product other than fishery). It seems that the wording in Regulation (EU) 2016/355 is not clear enough and the text will be amended soon to clarify that the application of Article 8 of Directive 97/78/EC is necessary for such channelling to establishments approved to receive such products.

(signed)
D2 – Import Controls

Encl: Agenda
List of distributed documents

Cc: Experts in 28 MS, Norway, Iceland, Switzerland, Faroe Islands + ESA, M. Scannell, S. Juelicher, B. Van Goethem, F. Andriessen, B. Gautrais, A. Gavinelli, K. Van Dyck, K. De Smet, P. Caricato, E. Strickland, K. Elliott, C. Laso Sanz, S. Perucho Martinez, G. Maréchal, N. Guth, A. Dionisi, J. Bloemendal, S. Andre, D. Carton, K. Kroon, P. Bernorio, H. Hansen, H. Klein, A.E. Füssel, B. Logar, M. Klemencic, E. Camara, R. Span, J. Baele, G. Balkamos, M. Tomasi, I. El Busto Saenz, T. Theoharis, J. Maciulyte, B. Janackova, O. Prunaux, V. Enjolras, M. Wils, G. Jennes, Unit D2.

EXPERT GROUP ON VETERINARY IMPORT CONTROLS LEGISLATION
"VETERINARY CHECKS"
30 May 2016

– AGENDA –

1) Review of legislation
2) Re-enforced controls
3) Overview on Directorate F audits on ASF controls at the border
4) TRACES issues
    a) CVEDA and CVEDP
    b) IAS controls
    c) Import certificate
5) TAXUD issues
6) Miscellaneous
    a) Update of positive list
    b) Update of BIP list
    c) Aquatic diseases (WSD)
    d) New Zealand Agreement
    e) Controls on US/NATO consignments
    f) Status of polo ponies
    g) Import of frogs and snails
    h) Channelling of raw material for gelatine/collagen