

**Minutes of the meeting of the expert group held on 09 January 2019 to discuss the draft delegated acts on Parts II, III and V of the Animal Health as they relate to aquatic animals and to discuss category III establishments**

**1. APPROVAL OF THE AGENDA**

A preliminary agenda was circulated in advance and agreed at the beginning of the meeting. The working documents on Parts II, III and V of the Animal Health Law were provided to Member States in advance.

**2. NATURE OF THE MEETING**

The meeting was non-public. The Member States' and EEA countries' representatives from competent veterinary authorities participated in the meeting. The Chair noted that neither the European Parliament nor the Council were represented in the meeting.

**3. INTRODUCTION**

Five presentations were made by the Commission.

Those were as follows:

- a. Presentation of the amended draft on aquatic provisions related to the delegated act under Part II of the Animal Health Law covering surveillance, eradication and disease freedom. This delegated act had previously been discussed at the November 30<sup>th</sup> expert group meeting and had been edited subsequently to take account of comments and written feedback from Member States as well as internal deliberations. The presentation covered articles relating to eradication programmes for category C diseases of aquatic animals, disease free compartments, measures required to maintain disease freedom and final and transitional measures.
- b. Presentation on “Category III establishments” which highlighted the difficulties with the way this disease category of establishments operates under Directive 2006/88/EC and proposing potential improvements under the new legislation should these be possible technically and legally.
- c. Two presentations were made on the amended draft of the delegated act on Part V of the Animal Health Law, covering entry into the Union. This topic had previously been discussed at the November 30<sup>th</sup> expert group meeting and had been edited subsequently to take account of comments and written feedback from Member States as well as internal deliberations. One presentation covered the general provisions from Part I of the draft delegated act and the other covered the aquatic specific articles from Part V of the draft delegated act.
- d. Presentation of amended articles of the delegated act on Part III of the Animal Health Law concerning disease control measures for category A diseases in aquatic animals which had previously been discussed at November 30<sup>th</sup> expert group meeting and which had been edited subsequently to take account of comments and written feedback from Member States as well as internal deliberations.

#### **4. CONCLUSIONS/RECOMMENDATIONS/OPINIONS**

The main outcome of discussions which took place at the expert group is as follows:

#### **4.1 The first presentation from the Commission regarding the delegated act under Part II of the Animal Health Law regarding surveillance, eradication and disease freedom, resulted in some comments and queries.**

##### 4.1.1 Articles on eradication

Further clarification in relation to the categorisation of the Animal By-Products from animals slaughtered under the disease control programme was requested. The Commission will clarify this issue in the next draft of the text.

##### 4.1.2. Articles on compartments

There were further comments on the provision with regard to the period of exposure before testing re-stocked animals after a disease outbreak in an independent compartment which consists of a single establishment.

#### **4.2 The second presentation regarding Category III establishments was exploratory in nature and aimed to determine MS views should the Commission proposal be technically and legally possible. It resulted in some comments and queries:**

- a. All the Member States that took the floor congratulated the Commission with the comprehensive work in elaborating a possible pathway regarding how to deal with the present Category III establishments in the future legislation. Previous discussions have revealed that some Member States wish to dispense with Category III while others want to keep it.
- b. The majority of Member States said they would consider the proposal further but indicated that their initial feedback was that the proposed pathway represents an adequate technical solution to the “Category III issue”. There were some comments stating that the proposed targeted surveillance may be too comprehensive whilst other Member States disagreed. The Commission emphasized that written comments from the Member States on the different issues given in the presentation will be very much appreciated.

#### **4.3 The third and fourth presentations from the Commission regarding the delegated act on Part V of the Animal Health Law - entry into the Union, resulted in some comments and queries.**

##### 4.3.1 Articles on general rules

- a. Recent changes in the structure of the draft were explained to be a result of a revision of other parts of the delegated act by the Legal Service which necessitated Part V following suit to ensure consistency.
- b. As regard Part I (general rules) of the delegated act some questions and concerns were raised regarding the scope of the delegated act, the listing of third countries and certification. The Commission indicated that details will be provided in an Implementing Act under Article 238 of the Animal Health Law. For commodities

not covered by the Delegated Act (non-listed species) it is yet to be decided whether lists of third countries and content of animal health certificates shall be drawn up by the Commission or by Member States.

#### 4.3.2 Articles on aquatic animals and their products.

- a. Some concerns were raised regarding certain derogations outlined in Part V of the delegated act which would allow animals of listed species to enter the Union from third countries which are infected with Category A diseases, under certain specified conditions. It was suggested that this provision goes beyond the provisions of the current legislation and was not welcomed by one delegation. Another MS however, welcomed this new approach in the context that the Animal Health Law now also covers wild aquatic animals whilst the current legislation covers aquaculture animals only.
- b. A query was raised in relation to animals which enter the Union for research purposes and whether the closed establishments referred to in the draft delegated act are actually confined establishments. The Commission undertook to clarify this in the new draft. Provision in one article concerns aquatic animals intended for research purposes provided the receiving establishment is closed. It was questioned whether closed establishment is synonymous to a confined establishment. The Commission will reflect on that issue.

#### **4.4 The final presentation from the Commission related to the delegated act on Part III of the Animal Health Law concerning control measures for Category A diseases. This presentation resulted in a number of comments and requests for clarification:**

- a. The issue of whether clinically healthy animals from an infected establishment may be placed on the market for human consumption was discussed in some detail. Some Member States supported this approach whilst others did not. The Commission will reflect further on this matter.
- b. There was also some discussion in relation to the potential co-financing for the eradication of Category A diseases. The Commission made it clear that any discussions on funding such programmes fall outside the scope of the Animal Health Law.
- c. Clarification was sought as to the category of Animal By- Products the waste from animals which are slaughtered for human consumption from an infected establishment would fit into. The Commission undertook to determine if any changes to the text are necessary to clarify this issue.
- d. It was clarified that the steps which will need to be taken by competent authorities in terms of sample collection, testing, etc. will be outlined in an Annex to this delegated act. This annex will be available for discussion at upcoming expert groups or alternatively, may be distributed to Member States by email for comments.
- e. The establishment of an 'operational management group' for the control of category A diseases in wild aquatic animals was discussed and was thought to be a positive development given the important role that fisheries biologists and other such

professionals would play in the potential implementation of disease control measures in wild aquatic animals of listed species.

**5. NEXT STEPS**

The Commission invited experts to provide written comments by 21 January, 2019. Presentations given in the meeting have been circulated.

**6. NEXT MEETING**

The next meeting of aquatic experts is scheduled for 28 February 2019.