



MINUTES of the sub-group of E00911
**"Official Controls on animals and goods (including plants) entering the EU:
Delegated and implementing acts under Regulation EU 2017/625"**

27 October 2017, 09H30 – 16.H30
Berlaymont, Schuman room,
Rue de la Loi 200, Brussels

Chair: Andrea Gavinelli, Head of Unit, European Commission (COM), DG SANTE Unit G3 Official controls and eradication of diseases in animals;
Members: Member States (MS);
Observers: Norway, Switzerland, EFTA secretariat, EU network of the Heads of Food Agencies.

TOPIC	Document
<p>Introduction</p> <p>Ladislav Miko, Deputy Director General, recalled that the preparation of this meeting started in July with preliminary ideas from the Commission. To ease dialogue with Member States and capture the complexity of the delegated and implementing acts, the COM will engage Member States in discussion at an early stage in the preparation of this future legislation.</p> <p>The issues of tertiary legislation will be tackled via a multi-layer channel of communication with Member States involving Chief Veterinary officers, Chief plant health officer, and Heads of Agencies, representatives of Member States in both the expert group and Standing Committee working groups.</p>	
<p>Commission empowerments concerning the entry into the Union of animals and goods (veterinary and phytosanitary issues): Commission work plan, timeline and interdependency of the empowerments.</p> <p>One MS stressed the importance of interpretation during the meeting: the COM stressed that the interpretation service is taken into due consideration when organising the future expert group meetings, although resources interpretations resources are limited.</p> <p>One MS requested to prioritize the empowerment related to plant protection products. The COM indicated that stakeholders will receive an update on 22.11.2017 (SANTE advisory group).</p>	<p>Ppt online: timeline of the empowerments</p>
<p>Non-paper on derogations from certain Border Control Posts (BCPs) requirements: empowerments of Articles 62.3, 64.2 and 64.5</p> <p>The consultation with MS started in July and the document is for comments by Member States by 13.11.2017: next discussion is foreseen on 15.12.2017. MS wondered what are the geographical requirements to avoid the possible spread of animal diseases such as the distance between a BCP from a farm;</p>	<p>Document circulated on 20 July and revised on 5th October to Member States</p>

written comments will follow.	
<p>Additional categories of products to be checked at Border Control Posts (such as composite products, hay and straw): empowerment of Article 47.3</p> <p>MS acknowledged the need to improve the current system on controls at borders to <i>composite products</i>; some MS expressed support to exclude those products who have not posed risks so far; furthermore 100% documentary checks seemed too burdensome, especially as regards shelf stable products.</p> <p>In line with MS stance to avoid unnecessary checks, the COM stressed that the risk based principle enshrined in Reg. 2017/625 should consistently apply throughout the controls and being reflected in the tertiary legislation acts.</p> <p>The COM stressed that MS should feedback the COM on what the least risky products would be, in order to establish a list of products to be excluded from the checks. The COM invited MS to provide written comments by 13.11.2017 so that a more detailed discussion can take place on 15.12.2017; a first draft can be expected early 2018.</p> <p>In relation to hay and straw, there is no a clear legal definition. Feedback from MS will improve to set appropriate import requirements through empowerments in the Animal Health Law and, consequently, clarify the need to establish control measures through empowerments in the OCR.</p>	Ppt online
<p>Specific training requirements: empowerment of Article 49</p> <p>The COM presented some preliminary views. Comments by MS received before 13.11.2017 will be included in a preliminary text for discussion on 15.12.2017.</p>	Ppt online
<p>Intensified controls, isolation and quarantine at borders in case of non-compliances: scope of empowerment 65.6, 66.2, 70.</p> <p>The Commission thanked the MS who provided comments since 20 July; additional written comments are welcome by 13.11.2017; based on these comments, and further internal discussions, the COM will present a draft in November 2018.</p> <p>Overall MS appear to support the current system on veterinary issues. Some MS spotted that controls in the phytosanitary area are more challenging to implement and thus requested clarification on how the future control procedures and inspections will look like. The Commission indicated that some phytosanitary rules will be established notably under the Plant Health Law.</p>	<p>concept paper circulated on 20 July and revised on 5th October to Member States</p>
<p>List of of animals and goods to be checked at BCPs (including Common Nomenclature codes, CN): scope of empowerment 47.2(a):</p> <p>The Commission indicated that this document is at an advanced stage of drafting: further discussion will take place on 15.12.2017. Following questions</p>	<p>concept paper circulated on 20 July and revised on 5th October to</p>

<p>from some MS, the COM explained that the CN list of codes will not include plants because such a list will be established under the Plant Health Law. Similarly, neither composite products are currently included in the list, pending discussions on how to use the empowerment in Article 47.3 of the OCR mentioned above.</p> <p>In relation to a request from some MS to expand the nomenclature list to 8 digits instead of the currently used 4 digits, the COM recalled the principle of proportionality. A 4 digit code has proven to be sufficient for the purpose of identifying those animals and goods which should be subject to mandatory checks at BIPs/BCPs. COM therefore requested the MS to provide specific examples where the 8 digits would provide an added value in this respect.</p> <p>The COM invited MS to provide written comments by 13.11.2017 in view of the discussion on 15.12.2017.</p>	<p>Member States</p>
<p>Border Control Posts facilities scope of empowerment 64.4</p> <p>The COM presented some preliminary views. Comments by MS received before 13.11.2017 will be included in a preliminary text for discussion on 15.12.2017. One MS indicated that airports so far have been excluded to notify the arrival of consignments and opened the discussion whether EU rules on notification should be added. Member States are expected to provide comments about the need of such a rule for airports to national Competent Authorities within 24/48 hours.</p>	<p>Ppt online</p> <p>Member States requested to provide comments by 13.11.2017</p>
<p>Manifests and pre-notification scope of empowerment 15.4 and 58.b</p> <p>The COM presented some preliminary views. Comments by MS received before 13.11.2017 will be included in a preliminary text for discussion on 15.12.2017.</p>	<p>Ppt online</p> <p>Member States requested to provide comments by 13.11.2017</p>
<p>Conclusions of the meeting</p> <p>All the presentations will be shortly available on-line for MS and stakeholders: the COM requested MS to indicate the need of a major EU-wide stakeholder event, if needed.</p> <p>The COM recalled the general approach in tackling empowerments: the COM shares preliminary ideas with Member States ahead of the meeting; following Competent Authorities' written comments, the COM discusses in the expert and working group meeting and consolidates the content of the delegated/implementing act, subject to another discussion with Member States. Once a consensual approach is reached, the text related to major initiatives will be for consultation with the stakeholders of the SANTE advisory group. As soon as Member States agree on the proposed text by the COM, the delegated acts will be proposed for adoption by the European Parliament/Council, while the implementing acts will be proposed for adoption by the PAFF Committee.</p> <p>A provisional calendar of Member States' meetings in 2018 will be provided on 15.12.2017.</p>	