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DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY

Food chain: stakeholder and international relations
Multilateral international relations

Brussels,
SANTE D2/BS/ (2017) 3660271

NOTE FOR THE FILE

Subject: Summary Report of the Expert Group meeting on veterinary import controls
24 April 2017

Participants:

- Representatives from all Member States except Cyprus,
- Representatives from Norway and Switzerland,
- European Commission (DG SANTE): S. Goux (D2), B Saimour (D2, chairman), D. Lacinski (D2), A.-E. Fuessel (G2), M. Klemencic (G2), C. Juliusson (G3), C. Apostol (G3), D. Carton (G5), P. Caricato (G4), L. Rantamaki (F4).

Introduction:

COM welcomed MS to the meeting and presented Sébastien Goux, new deputy head of Unit D2, and Dawid Lacinski, newcomer in the import sector of D2.

COM presented the updated agenda, as enclosed, and added some other points for discussion in the relevant chapters.

1. OFFICIAL CONTROLS REGULATION – STATE OF PLAY

COM informed that Regulation (EU) 2017/265 on official controls (OCR) was published in the Official Journal of 7 April 2017. This Regulation contains a specific chapter devoted to the basic requirements of import controls and to several empowerments to the Commission to provide delegated and implementing acts on additional developments. These empowerments include derogations and sectorial provisions in order to meet the practical needs.

COM presented a short presentation which summarised the meeting of the 1st Expert Group on OCR that took place at Brussels on 10 March 2017. As the OCR will mainly be applicable by 14 December 2019, DG SANTE has already started to work on the drafting of the different empowerments which, at this stage, are planned to be bundled in 4 delegated acts and 3 implementing acts related to import controls. The consultations with MS will occur through the general Expert Group on OCR for the delegated acts, and through the Standing Committee for the implementing acts.

2. SITUATION IN BRAZIL

COM summarised the harmonised reinforced measures which currently apply against meat and meat products from Brazil. These measures were agreed by the Commission and the Member States in the Chief Veterinary Officer's Council Working Party on 24 March 2017 and in the Standing Committee on Plants, Animals, Food and Feed on 29 March 2017: 100% of physical checks and 20% of microbiological checks are carried out in the BIPs on meat and meat products from Brazil. According to the check results registered in the TRACES system, these percentages are respectively reaching 91% and 18%, which correspond to very good scores. COM explained that 75% of these consignments imported from Brazil are indeed controlled at the entry points of 3 Member States only (43% NL, 20% UK, 12% DE).

COM informed MS that 3 audits of Directorate F will take place in Brazil from 2 to 12 May 2017. MS requested an update of the audit outcomes as soon as available and asked for a sound legal basis to justify the application of harmonised reinforced measures.

3. RE-ENFORCED CONTROLS

COM gave a presentation related to the re-enforced check procedure (REC) in TRACES and indicated that around 83% of RECs are launched by MS, against 17% launched by COM. The RECs launched by COM are mainly based on results from market controls for which the RASFF national contact points tend to forget to propose REC measures. From 2016, the rate of RECs launched by MS improved significantly, from 65% to 83%, which is a very promising trend.

a) Registration of types in TRACES

COM reminded MS that CN codes are not sufficient to define properly the categories of products covered by CVEDs. This is the reason why TRACES proposes types and sub-types to improve the traceability and the data-processing in the system. For example, the commodities under CN 0207 14 may be classified as fresh poultry meat or meat preparations and this difference needs to be made in TRACES by selecting or not the type "meat preparations". This selection is, for instance, the only way to know if a REC must apply, according to the targeted category and the microbiological criteria.

b) Publication of the establishment list under REC

COM clarified that, according to their legal assessment, they are not allowed to publish the list of the establishments under REC regime. This Commission's policy is similar to the one applied for the information circulated by the RASFF system. Nevertheless, it is up to the Member States to disclose the REC information if they consider that their national rules allow them to do so.

c) Other reminders

COM reminded some other points on REC procedures:

- Multi-testing: It is not recommended to test the consignments under REC for a different hazard than the one requested by the REC, as registration in TRACES does not allow separating the results of monitoring plans and the results for REC testing.
- Good practice for requesting a REC exemption: the requests for REC exemptions must include all necessary information to identify the concerned CVED and to ensure that the request is clearly justified.
- REC on label particulars: although label checks are not laboratory checks, as they require a mere visual verification during physical checks, they must be registered in TRACES as laboratory checks. That way, the REC condition may be fulfilled and the CVED may be validated.

4. CVED AND IMPORT CERTIFICATES

COM presented an update on the drafts concerning the CVED (SANTE/2016/10907) and the generic import certificate (SANTE/2016/10906). After the internal consultation, several comments from Legal Service were taken on board, like clarification of recitals and of definitions.

The draft on CVED is ready. It will be presented for vote to the Standing Committee after the draft on import/transit of equidae is finalised (see point 7), considering that the procedure of temporary admission might have an impact on the CVED model for live animals, especially in Part III.

Concerning the draft on import certificate, the Legal Service expressed some reservations. Although this approach was already used for Decision 2007/240/EC, it is not allowed to replace the first part of certificates without amending formally, i.e. textually, every existing certificate in the corresponding legal act. Obviously, this option would represent a colossal task with a high risk of error. Therefore it is necessary to find another approach and COM will keep MS informed of further developments.

MS provided additional comments and COM clarified some questions.

5. PRESENTATION OF SANTE F4 AUDITS

COM presented the ongoing series of audits in the area of border controls: documentary checks, evaluation of the official import control system, BIP approvals. Concerning documentary checks, 7 MS will be visited in 2017 (BG, CY, ES, IE, NL, PL, PT). On official import control system, 2 MS (LU, MT) and Switzerland will be audited. In 2018, SANTE F will continue with the series on documentary checks and will focus on new topics like products on non-animal origin, transit and BIPs with low throughput.

6. SUPER-CHILLING

COM circulated its official reply to the Italian authorities¹ concerning the application of super-chilling process for the transportation by plane of imported Nile perch. COM clarified that, according to Section VIII of Chapter VIII of Annex III to Regulation (EC) No 853/2004, fishery products must be maintained at a temperature approaching that of melting ice during the transport. It means that the products must be kept at 0°C all the time. Considering that super-chilling requires freezing, this process cannot be considered as compliant with EU requirements. Therefore, when histological checks show lesions caused by freezing, it implies that the products were frozen before their transport and they should be rejected at the BIPs.

7. ENTRY INTO THE UNION OF LIVE EQUIDAE

COM presented the draft document SANTE/7113/2016 on the conditions for the entry into the Union of live equidae and of their semen, ova and embryos. The aim of the text is to consolidate in a single act the lists of authorised third countries and the existing animal health certificates under TRACES format.

A long discussion started with MS about the conditions of control for registered horses in temporary admission. In order to improve the traceability of those horses, COM thinks it is necessary to lay down detailed provisions on their intra-EU movements, on the case of re-entry in the Union after temporary export in third countries, on their possible change of itinerary, on the unexpected events like death or transformation into importation, and on the use of TRACES by BIPs, local authorities and operators accordingly.

MS regretted that these requirements led to an increase of administrative burden for their local competent authorities. COM acknowledged the additional workload. However, it is crucial to follow the horses step by step, especially through the TRACES system, so as not to lose their track and finally ensure that they leave the Union as planned. Nevertheless COM agreed to review the draft, in particular to simplify the notifications in the case of intra-national movements².

8. NEW IMPORT CERTIFICATE OF HORSE MEAT

COM drew the attention of MS on Regulation (EU) 2016/1832 amending the model certificate for imports into the Union of fresh horse meat intended for human consumption. In third countries, horses are usually not considered as food-producing animals, and they are only sent for slaughter at the end of their life. As a consequence, the monitoring of substances and residues referred in Directive 96/23/EC is even more necessary and the new model certificate was amended to provide some guarantees which should address the deficiencies detected in the third countries. In parallel with the application of this amendment, COM invited MS to pay a special attention to the imports of horse meat and to focus their national monitoring plans on the detection of residues.

¹ Ares(2017)1628169 - 27/03/2017.

² Draft document SANTE/7113/2016 was voted with a favourable opinion at the Standing Committee on 16 May 2017.

9. ANATOMIC PIECES FOR SCIENTIFIC PURPOSES

COM was alerted in February 2017 by a delegation of scientists who have difficulties to exchange anatomic pieces between museums, for display or scientific studies. From the discussion, it appeared that the issue came from the classification of the pieces under ABP samples. With such status, a prior authorisation from the Member State of destination is necessary, but it is very difficult to plan at which EU point of entry the express courier service will introduce the products, so the channelling procedure covered by the prior authorisation cannot be applied. This issue could be avoided if the anatomic pieces would be declared as "game trophies and other animal preparation", according to Regulation (EC) No 1069/2009, and as "CN 9705 collection of anatomic pieces", according to the Customs nomenclature. With such status, the anatomic pieces would be exempted from the veterinary checks.

DE and UK supported this position and proposed to change column 3 of CN 9705 in Decision 2007/275, in order to clarify that such anatomic pieces are excluded from the veterinary checks in BIPs.

10. STATUS OF WESTERN SAHARA

At the request of FR, COM clarified the status of Western Sahara. The European Court of Justice ruled in December 2016 that the trade agreements between the EU and Morocco are not applicable to Western Sahara. However, the United Nations recognises that Morocco administers 80 % of the territory as a governing authority. According to the Legal Service of the Commission, the import health requirements are not based on political criteria but on technical criteria only. This means that Morocco may continue to act as a competent authority in Western Sahara for the control and the listing of establishments approved to export goods to the EU.

11. REVIEW OF DECISION 2007/275/EC

COM reminded MS that Decision 2007/275/EC was last amended by Decision (EU) 2016/1196 which has been in force since 1 January 2017. Unfortunately, a couple of typos have brought some lack of clarity. A new draft amendment will be prepared soon. However, this will be only to correct the typos and not to re-open the discussion on the positive list, considering that the substance of the text will be reviewed from scratch through the implementing act under Article 47(2)(a) of Regulation (EU) 2017/625 that the Commission must adopt by the end of 2019.

12. UPDATE OF THE BIP LIST

The last update of the BIP list was voted with a favourable opinion at the Committee on 7 April 2017³. COM invited MS to provide any new request by using, as usual, the relevant template to send to the following e-mail address: sante-d2-imports@ec.europa.eu



template for
changes.doc

³ It was published in the meanwhile: Commission Implementing Decision (EU) 2017/800 (OJ L120, 11.5.2017).

13. AOB

a) Naproxen

The issue of naproxen residues in horse meat was discussed again. Naproxen is not listed in Regulation (EU) No 37/2010 on pharmacologically active substances and their classification regarding maximum residue limits in foodstuffs of animal origin. This means that the use of the substance is prohibited and that a zero tolerance approach must apply. Consequently no presence of naproxen is allowed in imported horse meat.

b) Listing of approved vessels from non-Union countries

ES asked how to proceed in the case of fishery products originating from non-listed reefer vessels and presented to BIPs. DK reminded that they contacted the flag state of the concerned vessels to encourage them to start the listing procedure, and they cooperate as well with their IUU authorities on the check of catch certificates. COM encouraged MS to follow the same procedure and reminded participants that there is no transitional period for the approval of reefer vessels. According to the EU rules on documentary checks, the presentation of catch certificates is not compulsory, but it may become mandatory at the express request of the BIP.

(signed)

D2 – Import Sector

Encl.: Agenda

Cc: Experts in 28 MS, Norway, Iceland, Switzerland, Faroe Islands + ESA
M. Scannell, S. Juelicher, B. Van Goethem, P. Colombo, B. Gautrais, A. Gavinelli, K. Van Dyck, E. Zamorra Escribano, E. Thevenard, P. Loopuyt, D. Lange, S. Goux, K. Elliott, G. Gallhoff, K. De Smet, P. Caricato, C. Laso Sanz, D. Carton, P. Bernorio, A.-E. Fuessel, M. Klemencic, L. Rantamaki

**EXPERT GROUP ON VETERINARY IMPORT CONTROLS LEGISLATION
“VETERINARY CHECKS”**

24 April 2017

– AGENDA –

- 1) Official Controls Regulation – State of play
- 2) *(cancelled)*
- 3) Situation in Brazil
- 4) Re-enforced checks
- 5) CVED and import certificates
- 6) Presentation of SANTE F4 audits
- 7) Super-chilling
- 8) Entry into the Union of live equidae
- 9) AOB
 - a) New certificate of horse meat
 - b) Anatomic pieces for scientific purposes
 - c) Status of Western Sahara
 - d) Review of Decision 2007/275/EC
 - e) Update of BIP list