

Minutes of the meeting of the expert group to discuss a working document in relation to a draft delegated act supplementing Regulation (EU) 2016/429 as regards registration of transporters and approval of certain establishments keeping terrestrial animals, and identification and registration of kept terrestrial animals

20 March 2018, Brussels

1. APPROVAL OF THE AGENDA

A preliminary agenda was circulated and agreed at the beginning of the meeting. The working document (called hereinafter 'the document') to be discussed was provided in advance.

2. NATURE OF THE MEETING

The meeting was non-public. The Member States' and EEA countries' representatives from the competent veterinary authorities were participating in the meeting. The Chair noted that the European Council and the European Parliament were not represented in the meeting.

3. DISCUSSION

3.1. Introduction, opening, general remarks

The Commission reminded experts that the document is a preliminary draft delegated act based on *Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016 on transmissible animal diseases and amending and repealing certain acts in the area of animal health ('Animal Health Law')* (AHL).

The document presented contains the first two out of three "components"¹ forming the Delegated Act on *registration of transporters and approval of certain establishments keeping terrestrial animals, registers to be kept by the competent authorities and record-keeping obligations of operators, and identification and registration of animals*. The document is still missing the recitals, a number of definitions and the third "component" with provisions relating to the identification and registration of animals other than bovine, ovine, caprine, porcine and equine animals.

- The first "component" deals with the *registration of transporters and approval of certain establishments keeping terrestrial animals, registers to be kept by the competent authorities and record-keeping obligations of operators*. The text as presented on 20 March 2018 is the outcome of the discussion of these proposed provisions at the expert group meeting of 21 February 2018 on the same subject, and of the written comments made by Member States. Due to time constraints, only Articles 3 to 9 of Part II of the document were presented and discussed during the morning session while Articles 12, 14, 19 and 20 of Part II of the document were presented and discussed in the second half of the afternoon

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Each "component" to be understood as consisting of Parts, Titles, Chapters, Sections and Articles, as appropriate, to which reference is made in these minutes.

session. Experts were invited to express their comments or concerns regarding each of those articles.

- The second "component" deals with the *identification and registration of bovine, ovine, caprine, porcine and equine animals*. This component was presented for the first time, and dealt with in the afternoon session of the meeting. All Articles of Part III of the document were presented by the Commission and experts were invited to express their comments or concerns regarding each of those articles.

Because the document was not provided sufficiently in advance, some experts expressed a scrutiny reserve.

3.2. Exchange of views with experts on the document

3.2.1. Part II

3.2.1.1. Title I: *registration of transporters of poultry, dogs, cats, ferrets and of animals other than ungulates kept in confined establishments*

The Commission reminded the experts that the optional empowerment in Article 87(3) of the AHL which gives the possibility for the Commission to adopt provisions regulating the registration of transporters engaged in the transportation between Member States or between a Member State and a third country of other animals than ungulates only refers to animals. Therefore, the document does not include provisions regulating the registration of transporters of hatching eggs and only includes provisions regulating the registration of transporters of animals other than ungulates kept in confined establishments since Article 87 of the AHL contains provisions regulating the registration of transporters of ungulates. Title I has been corrected accordingly.

The Commission explained that the proposed provisions in Articles 3 and 4 of the document are presented in the format of drafting used in Article 87(1) and (2) of the AHL, *i.e.* two paragraphs.

The Commission also confirmed that Articles 3 and 4 of the document only concern kept terrestrial animals as the entire document does and agreed to include two new definitions to the document at Article 2 for "type of transport" referred to in paragraph 1(b)(iii) of Articles 3 and 4 of the document and "means of transport" referred to in paragraph 1(b)(iv) of Articles 3 and 4 of the document.

3.2.1.2. Title II: *approval of establishments*

The Commission explained that the structure of each Article of Title II of the document has been revised using the format of drafting of the empowerment in points (a) to (e) of Article 97(2) of the AHL.

Chapter I:

The Commission presented the conditions for granting approval of the establishments referred to in Article 94(1)(a), (c) and (d) of the AHL, *i.e.* establishments for assembly operations of ungulates (Article 5 of the document), hatcheries (Article 6 of the document) and establishments keeping poultry (Article 7 of the document).

The Commission explained that the conditions for granting approval of establishments for assembly operations of hatching eggs which were in this Chapter have been deleted since they are similar as those applicable to hatcheries which are by definition [in Article 4(47) of the AHL] establishments collecting hatching eggs.

In Article 5 of the document several experts would like the Commission to clarify the meaning of "*appropriate* sanitary breaks". The Commission agreed that while the principle of sanitary breaks should be set in this Article, the duration of sanitary breaks should be left to the Member States.

At the request of some experts, the Commission clarified the scope of Articles 6 and 7 of the document.

Chapter 2:

The Commission presented under the optional empowerment in Article 94(3)(b) of the AHL the types of establishments referred to in Article 94(1)(e) of the AHL for which conditions for granting approval of the establishments should be set up, *i.e.* assembly centres of dogs, cats and ferrets (Article 8 of the document), animal shelters for dogs and cats (Article 9 of the document), travelling circuses and animal acts (Article 10 of the document), control posts (Article 11 of the document) and environmentally isolated bumble bee production establishments (Article 12 of the document).

The Commission explained that for Articles 8 and 9 of the document two new definitions were inserted in Article 2 of the document in order to better define, respectively in point (k) assembly centres of dogs, cats and ferrets and in point (l) animal shelters keeping dogs and cats.

Some experts spotted the inconsistency between the definition in point (k) of Article 2 of the document and the introductory sentence in Article 8 of the document. The Commission will look into the matter and propose a new wording. One expert suggested restricting the type of establishment from which assembly operations take place, e.g. breeding establishments only, while another expert asked to include in the scope of Article 8 of the document the possibility for assembly centres to admit animals from other Member States. Overall this Article received a good support from experts of Member States habitually receiving puppies from other Member States.

Article 9 of the document received a good support from all experts. The Commission clarified that only shelters sending animals have to be approved and not those receiving animals, since national movements are not regulated by EU law.

Articles 10 and 11 of the document were not presented.

Article 12 of the document was briefly presented and experts did not raise comments.

Chapter 3:

Article 13 of the document was not presented.

The Commission presented a new Article on the conditions for granting approval of status of quarantine establishments (Article 14 of the document). The Commission explained that the legal basis in the AHL for this establishment being the one used for Chapter 2, this new Article will be moved to that Chapter.

The Commission also explained that the objective of this Article is to cover any quarantine centres, not only those receiving captive birds from third countries as it is today the case in the current EU legislation.

3.2.1.3. Title III: *register to be kept by the competent authorities*

The Commission did not present this Title.

3.2.1.4 Title IV: *record-keeping obligations of operators*

The Commission only presented Articles 19 and 20 of the document because of their link with the relevant Articles of Part III *on identification and registration of respectively bovine, ovine, caprine, porcine and equine animals*.

One expert suggested removing the requirement to record the birth year of porcine animals as difficult to implement. The Commission agreed to verify whether this is feasible.

3.2.2. Part III

The Commission explained the methodology used to draft the second part of the document and in particular the empowerments in which the AHL confers on the Commission in relation to registration and identification of kept terrestrial animals.

The Commission reminded the experts that while the provisions regarding registration and identification of kept terrestrial animals are laid down in Articles 108 to 120 of the AHL, the empowerments to adopt delegated acts in relation to registration and identification of kept terrestrial animals are laid down in Article 118 of the AHL – the means and methods of identification, their application and use, alternative means of identification for certain categories of animals, rules on identification or movement document for animals, rules on the information recorded in a computer database, rules on the identification and registration of animals after their entry into the Union and Article 119 of the AHL – derogation for operators to identify bovine, ovine, caprine, porcine or equine animals.

The Commission explained that most of the provisions of the document have been taken from existing EU legislation for ease of reference, and that it is the aim of the meeting to explore with the experts the necessary modifications of those provisions, especially to ensure a coherent approach in respect of the different animal species covered by the identification and registration system.

3.2.2.1 Title 2: *identification and registration of kept animals of the bovine species (Articles 37 to 43)*

The Commission presented Articles 118(1)(a), 118(1)(b)(i), 118(1)(b)(ii), 118(1)(c) and 118(2)(a) of the AHL which empower the Commission to adopt detailed requirements for the means and methods of identification, their application and use, alternative means of identification of animals kept for cultural, scientific, historical or sporting purposes, identification document for animals, rules for information recorded in a computer database and rules on the electronic data exchange between Member States' computer databases.

The Commission highlighted that Articles 37 to 41 of the document mirror the current EU rules applicable to bovine animals. In addition, the Commission explained that in case of bovine animals kept for cultural, scientific, historical or sporting purposes, the application of electronic identifiers has been proposed although not foreseen in the current rules introduced in the 1990's.

Two experts welcomed the streamlined articles of Title 2 of the document, but one expert noted that the data recording requirements which have been introduced for other reasons than animal health and animal traceability should be assessed and if necessary, their application should be ensured by other legislation than those to be

adopted pursuant to the AHL. The Commission is aware of the issue raised in this expert's remark.

At the request of one expert, the Commission confirmed that according to Article 110(1)(b) of the AHL the electronic data exchange between Member States in respect of bovine animals is on a voluntary basis.

One expert suggested allowing the electronic identifiers proposed for animals kept for cultural, scientific, historical or sporting purposes also for bovine animals kept in confined establishments. The Commission agreed to explore how to improve the current drafting to make a better link with animals kept in confined establishments. However, the Commission highlighted that not all confined establishments are zoos and therefore such derogation should be limited to animals being displayed to public.

One expert enquired if Member States can set additional data recording rules other than those defined in the AHL and in this document. The Commission referred to Article 269 of the AHL on *additional or more stringent measures by Member State*.

3.2.2.2 Title 3: *identification and registration of kept animals of the ovine and caprine species (Articles 44 to 51)*

The Commission presented Articles 118(1)(a), 118(1)(b)(i), 118(1)(b)(ii), 118(2)(a) and 118(2)(b) of the AHL which empower the Commission to adopt detailed requirements for the means and methods of identification, their application and use, alternative means of identification animals kept for cultural and scientific purposes, movement document and its specific provisions for animals to be moved or assembled within the territory of a Member State and the rules for information to be recorded in a computer database.

The Commission explained that Articles 44 to 50 of the document mirror the current EU rules applicable to ovine and caprine animals.

The Commission highlighted that the current derogation applied to the identification of animals intended for slaughter under the age of 12 months has been proposed to be set as a specific rule and to be applicable for cross-border movements.

In addition, the Commission proposed the application of electronic identifiers in case of ovine or caprine animals kept for cultural or scientific purposes.

The Commission invited experts to confirm whether the application of a tattoo as an alternative means of identification to electronic identifiers in Member States with a lower population of ovine and caprine animals than the set threshold, is still practiced.

In relation to Article 44 of the document, one expert pointed out that although the identification by means of one ear tag as a rule for slaughter animals under the age of 12 months is welcomed, consideration should be given to the identification by means of two ear tags in the case where those animals are moved for slaughter to another Member State. This is to ensure traceability of those animals which might lose their ear tag due to the assembly operations before the animals arrive at the slaughterhouse. Some experts suggested limiting the rule of one ear tag to those animals which are taken directly to the slaughterhouse without prior assembly operations.

The Commission agreed to scrutinise the proposed identification rule for animals intended for slaughter.

Two experts explained how the specific provision for movement document of animals intended to be assembled within the Member State of origin has currently been implemented and emphasised the importance of maintaining the existing rule in place in order to minimise the burden to obtain readers for electronic identifiers.

One expert raised the possible exemptions from the application of a means of identification to small-sized animals. The Commission considers that means of identification are required for traceability purposes independently of the size of the animals and for appropriate disease eradication and control measures to be applied, and the proposed means of identifications cover a wide range of possibilities.

One expert suggested allowing the proposed electronic identifiers for animals kept for cultural or scientific purposes to be used also for ovine and caprine animals kept in confined establishments. The Commission agreed to explore how to improve the current drafting to make a better link with animals kept in confined establishments. However, the Commission highlighted that not all confined establishments are zoos and therefore such derogation should be limited to animals being displayed to public.

One expert asked clarification for the current requirement to record in a computer database the annual inventory result for ovine and caprine animals on the holding. The Commission explained that Article 109(1)(b)(i) of the AHL requires Member State to maintain in a computer database the number of animals on the holding and this requirement mirrors the annual inventory obligation.

Some experts expressed the practical difficulties to record the exact date of death or loss due to the specificity of the animal husbandry. The Commission agreed to explore alternative ways to record animals which are not anymore present at the establishment without recorded off-movement.

3.2.2.3 Title 4: *identification and registration of kept animals of the porcine species (Articles 52 to 58)*

The Commission presented Articles 118(1)(a), 118(1)(b)(i), 118(1)(b)(ii), 118(2)(a) and 119(1) of the AHL which empower the Commission to adopt detailed requirements for the means and methods of identification, their application and use, alternative means of identification animals kept for cultural and scientific purposes, derogation to identify animals to be taken directly to slaughterhouse located within the Member State territory, movement document and the rules for information recorded in a computer database.

The Commission explained that Articles 52 to 57 of the document mirror the current EU rules applicable to porcine animals and indicated the wrong references to be corrected in point (b) in Article 58.

The Commission presented the new option in Article 54 of the document to identify porcine animals kept for cultural or scientific with an electronic identifier and invited the experts to comment. Two experts suggested that in addition to the proposed transponder also electronic ear tag should be allowed. The Commission agreed to consider this option.

Identification and registration of bovine, ovine, caprine and porcine animals after their entry into Union (Articles 59 and 60)

The Commission presented Article 118(2)(e) of the AHL which empowers the Commission to adopt rules on identification of animals after their entry into EU.

The Commission presented Article 59 of the document regarding animals identified in the EU after their entry from third countries. Particular attention was drawn to paragraph 2 which describes the rules for the identification of animals after entry into the EU which had been identified in the EU before they were exported to a third country.

The Commission invited experts to indicate whether they would agree to harmonise the threshold indicated according to existing rules in Article 59(3) of the document for the entry of different species.

3.2.2.3 Title 5: *identification and registration of kept animals of the equine species (Articles 61 to 69)*

The Commission presented Articles 118(1)(a), 118(1)(b)(i), 118(1)(b)(ii), 118(2)(a) and 119(1) of the AHL which empower the Commission to adopt detailed requirements for the means and methods of identification, their application and use, special provisions for identification of animals living under wild or semi-wild conditions, alternative means of identifications, identification document and its special provisions, and the rules for information recorded in a computer database and rules on electronic data exchange between Member State computer databases.

The Commission stressed that all presented articles mirror the current rules in place agreed by Member States for adoption of Regulation (EU) 2015/262.

One expert asked clarification about the link between Regulation (EU) 2015/262 and the current document. The Commission clarified that the AHL will repeal Council Directive 2009/156/EC which is a legal base for the adoption of Regulation (EU) 2015/262 by the Commission. As a consequence, Regulation (EU) 2015/262 shall be repealed by the implementing act to be adopted by the Commission in accordance with Article 120 of the AHL.

An expert asked whether the keeper or the owner of the equine animal should be responsible for the identification of the animal. The Commission highlighted that in accordance with Article 114 of the AHL the responsibility of ensuring that an equine animal is identified by a single lifetime document is conferred to the operator keeping the equine animal. In addition, to ensure the cooperation of the keeper and the owner, specific provision has been inserted in Article 61(4) of the document, which still needs to be agreed with the legal service. However, the proposed provision mirrors the applicable current rule.

4. CONCLUSIONS/RECOMMENDATIONS/OPINIONS AND NEXT STEPS

The Commission obtained useful information and experience from experts which have still to be addressed. Such inputs are important for the Commission in this phase of drafting of the future delegated act.

The Commission invited experts to provide written comments on the document by **21 April 2018** in order to best accommodate their technical views.

The outcome of the discussion and opinions provided by the participants of this expert group as well as written comments/suggestions received will be used by the Commission to improve the document.

5. NEXT MEETING

The next meeting has been provisionally scheduled for 31 May 2018 to discuss a completely revised document.