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HEALTH AND CONSUMERS DIRECTORATE-GENERAL

Veterinary and International affairs
Multilateral International relations

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NOTE FOR THE FILE

Subject: Minutes of the Expert Group on Veterinary Checks – 21 November 2012

Present: All Member States except Romania and Bulgaria, plus Croatia, Iceland, Norway and Switzerland.
Commission Personnel (COM): DG SANCO: Patricia Langhammer (G6), Michael Glavin (G6), Camilla Scassellati-Sforzolini (G6), Kaido Kroon (G2), Matjaz Klemencic (G2), Anna Mlynarczyk (G4), Ana Ramirez Vela (F5); DG TAXUD (Karlheinz Kadner); FI: Tiina Juselius (jobshadowing G6).

Introduction

After the distribution of the Agenda on 17.10.2012, several points were requested to be added by BE, DE, DK, NL, PL and by COM - updated Agenda as attached. COM reminded participants to send items to be addressed during an Expert Group at least 4 days before the meeting to enable COM to prepare fully for the relevant item.

1. REVIEW OF LEGISLATION (G6)

COM informed MS that the work in relation to the review of the legislative package of Regulation (EC) No 882/2004, the animal health, plant health and the plant reproduction material continued and the intra-SANCO-consultation took place during the summer. The draft proposals are in interservice-consultation within the various Commission services, which is scheduled to be finalised by the end of this month.

The package will be then submitted to Council and Parliament by March 2013. After that the work on development of the Delegating and Implementing Acts for the detailed implementing provisions will commence.

In the meantime the legislative package has been circulated to MS and stake holders. The intention is to inform MS and stake holders but not to start a dialogue with them on the substance of the draft proposal. However, COM remains interested in the views of MS and any comments are more than welcome.

NL had some concerns regarding the development of the Delegating and Implementing Acts and asked how the MS Task Forces were to be organized. COM responded that as of now the only set-out step is the document going to Council and Parliament and further decisions regarding the following steps still have to be taken as they might be based on comments from the Council and the Parliament. Work in that direction will start in March

2013; most probably the Task Forces that have already been set out will go forward with input from the FVO and the plant sector.

2. CERTIFICATION

COM asked the Spanish delegation for progress on their working group on health certification (second draft was expected on 15.10.2012) and ES replied that a final document would be available before Christmas.

COM had distributed an updated version of the draft guidance to MS and explained that all the issues raised during the last expert group had been included in the guidance. COM informed of a typo in the last sentence which should refer to Chapter 4.2.2 (not 4.1) of the General Guidance for transit and transhipment.

COM took the opportunity and referred to the explanation in box I.23 in relation to the seal. There are still BIPs which reject consignments or request a replacement certificate, if the commercial seal number is not indicated in box I.23. That box should only include a seal number, if it refers to an official seal which has been affixed to the container under the supervision of the competent authority. Only in these cases the identity check can be reduced to a seal check only.

Comments from PL related to the list of cases when the replacement of health certificate is not possible (page 10) and COM asked MS if they thought the case when the certificate was issued after the date of loading should be listed as an example in the list for not-acceptance of a replacement certificate or if they would prefer the possibility to accept replacement health certificate in this situation after an investigation and the confirmation from the TC concerned that there is an administrative error with the date. As no MS expressed their view, COM will consider this.

DK expressed concerns that there was a discrepancy between the top box on page 4 and Annex 6 to Regulation (EC) No 854/2004. COM clarified the difference between 'sheet' and 'page', a sheet can be composed of more pages stapled together, thus there is no discrepancy with Annex 6 and no change in the way certificates have to be signed and stamped. DK also asked to explain better what was meant by 'transport details' in Box 3, they illustrated this point by asking how they would have to behave in a scenario where a freezer container breaks down and the product has to be moved in another container. COM welcomed the point and said it would reflect and see how it could be made clearer in the guidance document.

Comments from DE related to the translation have been sent to the TRACES team which is dealing with the translation of the certificates. In addition, the explanatory text to box I.17 has been amended to cater for the German concerns. DE proposed that a more uniform approach was to be taken in boxes I.5, I.1 and I.11 regarding address details. COM said it would try to harmonize the address details requested as much as possible but is constrained by the different details that are available in TRACES. DE also said that in Box I.15 they would want the document reference number to be mandatory as the transport details might change, the reference number would not. COM reminded that this current version is consistent with Annex in Decision 2007/240/EC and to cater for this request, that Annex would have to be changed first, however, this could be suggested for future amendments.

EL expressed doubts on how to deal with Box I.7 in the case of triangular trade. COM clarified that Box I.7 concerns the third country of production while Box I.11 concerns the third country of dispatch in case of triangular trade and no further production took place in the second third country. FR agreed and added that the information in Box I.28 would provide more information to the traceability of the products.

COM then presented the two possibilities to continue with the document:

a) to present an agreed document to the SCFCAH for agreement and publication on the Commissions' website.

b) to update Decision 2007/240/EC and include the text from the draft guidance – a draft proposal had already been presented to the TRACES WG on 06.07.2012 and their participants were in favour of this procedure.

DE pointed out that it would be very useful if this document could be circulated to TC. As no MS disapproved with option b), COM will initiate the legal procedures to update Decision 2007/240/EC accordingly.

3. EXPERIENCES WITH RE-ENFORCED CHECKS GUIDANCE

COM reported progress on the re-enforced checks (RECs) in TRACES, and informed that after the last meeting the number of RECs that are launched by the MS contact points increased, however, there is still room for improvement. Two MS requested that the BIP or local veterinary unit should have the possibility to propose a REC when the relevant RASFF notification module is used in TRACES. COM informed to stick to the procedure as outlined in the Guidance document, which has been established within the taskforces and confirmed by MS. If now MS decide that their national contact points need to be informed by the local veterinary units or by the BIPs of a proposal for re-enforced checks, they have to set up a mechanism to transmit this information to their national contact points.

COM gave a presentation, which was circulated by e-mail on 06.12.2012 (ref no D/1695840) on the progress of the REC application since January 2012 and outlined some practical issues related to the use of TRACES. For example, TRACES provides an overview of all RECs in the data warehouse and the relevant information had been sent to the TRACES contacts on 14.09.2012. For the report to outline all on-going RECs, COM advised to use the start date of "01.01.2012" and informed that the report can be saved as a local document and the competent authorities have the possibility to distribute it to the concerned parties if necessary. The access to the report is available for CCA, BIP and LVU user type accounts. COM asked MS to provide in the NCP-comment box the reasons, why a REC is proposed or not and to limit the product scope appropriately when proposing a REC. As relevant information is often missing in TRACES, COM reminded MS to upload any relevant additional documents in the RASFF module, as there is a capacity of 2 MB per RASFF notification. COM also clarified that currently MS have access to CVED with the status "rejected" and the next TRACES update will provide access to CVEDs with the status "recalled".

Since January, 102 re-enforced check regimes were launched in TRACES, based on proposals from MS. 18 of them were fulfilled with satisfactory results while 12 of them were stopped due to subsequent information from MS. In some of these cases the REC had to be withdrawn as it was discovered after the launch, that the relevant product group

or the relevant hazard did not present a serious risk. In a couple of cases RECs were launched for salmonella in fish meal although this needs to be followed up under the special rules in Section 2 of Chapter 1 of Annex XIV to Regulation (EU) No 142/2011 and as detailed in Point 4.4. of the General Guidance on Re-enforced checks.

For four RECs, AR bovine meat on shigatoxin producing E.coli, BR poultry on Clopidol and TH canned tuna on sterility, there are unsatisfactory results and 100 % of testing is mandatory. COM has addressed the relevant competent authorities and asked corrective action and the 100 % testing should continue until satisfactory action plans can be provided from the three third countries concerned. NL asked if the progress is visible in TRACES but COM explained that this is not planned. Instead the following progress report was provided for the four cases:

- BR poultry clopidol: 4430: REC was launched on 17.05.2012, after 3 unsatisfactory series COM asked BR for corrective action on 16.07.2012; exports were suspended by BR on 22.07.2012, BR informed on 30.10.2012 that the reason for the non-conformity was the improper use of the veterinary drug "Leberk" (clopidol and methybenzoaquato) in the feed of the animals and corrective measures were adopted. Therefore the competent authority in BR revoked the suspension for export to the Union.

- BR poultry clopidol: 424**:** REC launched on 13.08.2012, after 3 unsatisfactory series COM asked BR for corrective action on 23.10.2012; BR informed on 06.11.2012 that the competent authority suspended exports to the EU from 24.09.2012 on.

- AR: beef VTEC: 2082, the re-enforced check programme for VTEC was unsatisfactory and lead to the introduction of 100 % physical checks including laboratory tests for the presence of this hazard. According to Chapter 9.5 of the General Guidance on re-enforced checks, 100% of testing has to continue until the Commission services decide what further measures should be taken. COM is in close communications with the Argentinean authorities in relation to the corrective action to address the hazard and for the time being the re-enforced check programme in TRACES should be followed. We are monitoring the results of the checks and the actions taken by the Argentinean authorities and we will inform Member States and BIPs, when we can lift the re-enforced checks for that establishment.

- TH: canned tuna sterility: 2005: six re-enforced check programmes had been closed satisfactorily throughout the year. As there seemed to be problems, the FVO visited the establishment and detected short comings. The FVO asked for an action plan with corrective actions to be taken, however, the plan presented was not satisfactory. The competent authorities decided to stop exports to the EU on 12.10.2012.

COM assured MS that although it is difficult to inform MS and BIPs systematically of the state of play with TCs, COM discusses weekly what is happening and which steps have to be taken with the third countries concerned. Therefore the 100 % check regime has to continue until further notice.

COM clarified that if there is a REC launched due to "repeated infringements", e.g. for molluscs from Chili, the physical check to be carried out should verify that the specific

infringement described in the relevant RASFF notification does not occur again. In the case of molluscs from Chile, this would have been "rupture of the cold chain" as specified in RASFF-2012.BTN. However, COM was advised by the MS triggering the REC that two RASFF notifications (2012.BSP and 2012.BTN) were issued erroneously and therefore the Commissions services decided to stop this REC and the relevant notifications were withdrawn.

DE has asked for clarification of release of sampled consignments in case of laboratory results are available at different times. COM clarified that even if favourable results for samples from consignments 7 to 9 are available already, earlier samples taken for consignments 3 to 5 not yet, the relevant consignments need to stay detained in the BIP until their results are available.

While ES confirmed that the application in TRACES has improved, they raised concerns on 'pending' consignments, which are awaiting to bypass the REC procedure – e.g. arsenic. ES asked whether if no MRLs were set at the EU level but at national legislation, the MS is obliged to take action. In case of 'pending' consignments, a good communication with the full information from the BIPs is essential, e.g. BIPs have to be very specific in order to treat the cases as fast as possible. COM took the occasion to clarify the issue of arsenic or other substances for which no EU level has been laid down: in cases where no EU level exists, re-enforced checks should be carried out by MS that have established national levels for that substance. If there are MS that do not have established a national level, they can sample and test because of curiosity or interest and they can provide the sample results to the Commission for information. But in these cases there is no need to detain the consignments until the sampling results are available in that MS. Therefore MS can ask for release of the CVEDs from the re-enforced check programme if no national level for non-harmonised substances has been established.

ES reported that in the specific case of pre-cooked tuna bypassing RECs, it is not possible to channel the consignment to a specific establishment of destination in TRACES. COM asked for more details to look into this.

COM replied to the REC for surimi with egg that there is a global list of allergen substances as referred to in Annex IIIa to Directive 2003/89/EC amending Directive 2000/13/EC as regards indication of the ingredients present in foodstuffs (http://ec.europa.eu/food/food/labellingnutrition/foodlabelling/fl_com2003-89_en.pdf). This Directive requests that “any ingredient used in production of a foodstuff and still present in the finished product, even if in altered form, and listed in Annex IIIa or originating from an ingredient listed in Annex IIIa shall be indicated on the label with a clear reference to the name of this ingredient.” COM clarified that this indication “shall not be required if the name under which the foodstuff is sold clearly refers to the ingredient concerned”. However, this requirement is only for pre-packaged foods. As far as the foods sold in bulk are concerned, it is up to MS to decide whether and in which way this information shall be provided to consumers. This situation will change from 13 December 2014, when also non-prepackaged foods shall inform about the presence of allergens.

DE wished the RASFF and the TRACES systems were better connected (link to get from one to the other without having to research manually to find a notification on RASFF from TRACES). COM informed that in the near future TRACES and iRASFF will be linked better to allow the import of TRACES notifications into iRASFF; the IT team is preparing an analysis on the differences of the two systems and how they can be bridged.

Following comments by DE confusion arose on the use of Box 40 in the RASFF template regarding the market notifications. COM advised MS to use Box 40 when suggesting re-enforced checks for the following consignments. After the expert group, COM agreed to send an information notification to all contacts when a MS proposed a REC in Box 40 of the RASFF notification which was not proposed in TRACES and COM did not activate RECs in TRACES giving the reasons for the non-activation. In case the REC is *also* proposed in TRACES, the reason of COM's refusal will be provided in the EU-comment box in TRACES. If MS have not ticked Box 40 and the REC has been validated in TRACES, further adaptations are necessary to make sure that in future correct information is provided with the relevant RASFF notification.

In relation to active RECs, COM clarified that no new REC will be launched in case of market notifications, when the relevant consignment has been introduced into the Union, before the active REC for that product and hazard had been launched.

DE also complained that if it wants to carry out additional tests for a REC, it is very difficult to enter those in the TRACES system and COM replied that this should be a technical problem and if it were to persist, DE should email the details to COM who will try to solve it.

4. TRACES ISSUES (KK)

A) CVEDs for transit consignments

FVO noted that transit is an issue for many BIPs because often the exit BIP is not aware that a transit consignment is arriving and so the transit consignment is leaving the Union before any exit checks can be carried out.

COM urged MS to remind BIPs to include the CVEDs for transit consignments entering the Union as fast as possible in TRACES. Similarly, such non-compliant consignments leaving customs warehouses to exit through airports have to be introduced in TRACES as fast as possible to ensure that the relevant exit BIP is informed accordingly.

However, if an exit BIP has the paper CVED, it is always able to find through the direct access module in TRACES (introduce CVED reference number and local number and country of origin) the relevant CVED in TRACES to indicate, if the exit BIP was able to carry out satisfactory exit controls. The exact procedure can be found in one of the TRACES release notes, which are published on the CIRCA-website.

In reply to NL raising difficulties of the exit BIP in finding consignments, COM asked all MS to check with their BIPs and to inform COM, how many consignments changed the exit BIP of destination, for which reason they changed and how MS deal with this issue to avoid missing consignments.

B) Update on transhipments

As already mentioned during the expert group in July, TRACES was updated to cater better for transhipment consignments and allows each BIP involved in transhipment procedures to create its own CVED. The way this works is that the first BIP creates the CVED document and validates the CVED for transhipment. Then, the second BIP receives the CVED in TRACES and it can create a new CVED linked to the first one. In the case of transhipment it is very important that the CVED in the first BIP is issued in a

timely fashion in order for the next BIP to open the relevant CVED with the transhipment option in TRACES. Although it is an easy module to use, it remains seldom used by the BIPs as indicated in the overview distributed by COM during the meeting.

As the use of the transhipment module increased only slightly after the July meeting, **COM urged MS to talk to their BIPs to see why the transhipment module is not used correctly and in all relevant cases.** The exact procedure to use the module is described in the TRACES Release Note Version 5.10, which can be downloaded from the CIRCA-website.

Following a question from CH, COM clarified that if a CVED is "valid" for transhipment, it is not valid for free circulation in the Union and cannot be used by customs for this purpose. Free circulation is only possible with the second CVED indicating "free circulation".

DE asked what happened in case of change of transhipment destination, if no checks have been carried out in the first BIP. COM replied that the first BIP is not supposed to issue a CVED before the minimum period has elapsed and if no veterinary checks have been carried out and then it would be the task of the second BIP to create the CVED.

In case the CVED is existing in TRACES and the second BIP is different than indicated on the CVED, the same procedure as in point 4 A) is applicable: the receiving BIP should have the paper CVED in order to search for the CVED in TRACES and then issue the second CVED. If the paper copy is not received with the consignment the second BIP has to wait for a fax because it cannot release a consignment without issuing the proper CVED in TRACES. COM said that it will focus further on this issue and asked MS to inform them on how many cases of changing transhipment BIPs they had, COM will try to identify if there are places where this happens more often than others.

C) Controls and procedures for NATO/US bases consignments

COM reminded MS of the background to the controls on consignments for NATO/US bases and the programme of development over the last 4 years. In 2008 little or no veterinary checks were carried out on consignments of products of animal origin arriving from the US to the Union and destined for NATO/US bases in Union territory. Additionally, where checks were carried out, some certification problems arose and the US military contacted the Commission to see how to resolve these issues and to facilitate trade for the future. A system detailed as follows was then developed, which is still in the process of improvement:

The starting point was to put in place imports controls for fresh meat of US origin which is destined to NATO/US bases. It was agreed that all such consignments should be treated as transits and that animal health import requirements needed to be in compliance for such consignments to be allowed to transit Union territory with a destination to a NATO/US base in Union or third country territory.

It was agreed that the NATO/US bases would be treated as exit points from Union territory in order to fulfil transit requirements and that no consignments of US origin entering the designated bases should be for consumption outside of the designated bases.

CVEDs would be issued for consignments of fresh meat from the BIP of arrival and would be closed out at the base of destination by designated US military staff who were either veterinarians or trained veterinary technicians working under a veterinarian.

A separate section in TRACES has been allocated to list the bases designated by the NATO/US authorities to record all CVEDs issued and closed. These can only be listed on request to the Commission by the US military authorities and in agreement with the relevant MS in which the base is located.

US military authorities had problems in extending the list of bases (only 2 are listed to date: Ramstein and Gruenstadt receiving consignments via Antwerpen and Rotterdam BIPs) and COM were seeking their progress on this which it was hoped their internal problems had been resolved recently.

The US military authorities had problems in certifying what they describe as “dried goods” which are principally meat products, however, a system had been proposed in that all meat purchased by the US military in the US had to be USDA approved. If this is the case then all USDA approved meat should meat EU animal health requirements and as such should be able to be certified by veterinarians at central collection points where exports are sent to the Union. If this system can be agreed and processed, then controls should be in place for all meat arriving from the US destined for NATO/US bases in the Union. The USDA were in discussions on this matter and COM were waiting to hear of developments.

Some certification problems had been identified due to the recent composite products legislation. COM reminded MS that for all such products destined for NATO/US bases they were treated as transits and as such only animal health certification compliance was required to allow the issue of a CVED. MS agreed that for the time being the health certification could either be that currently used for transit consignments of the relevant product of animal origin or the specific transit certificate requirements set out in the new composite legislation. Whichever way it was, only animal health compliance which was required.

Other bilateral issues would be addressed with the MS concerned, however, outside of the derogation for the use of NATO/US bases as exit points from the Union, all requirements should be complied with as for normal commercial transit consignments.

COM reminded MS to send any questions related to the use of or problems with TRACES to the following helpdesk: SANCO-TRACES@ec.europa.eu

5. UPDATE OF THE BIP LIST (PL)

The last update of the Annexes to Decision 2009/821/EC (SANCO/12122/2012) was voted in SCFCAH on 05.11.2012 and has been transmitted to the adoption procedure.

COM made MS aware that the FVO is contacting several MS where there are open issues related to constructions of BIP facilities and modifications to the approval categories, e.g. Greece.

The next amendment proposal could be prepared early next year and MS were requested to send their suggestions for changes by the end of January 2013. If urgent changes need to be covered, MS must send documents immediately, otherwise they will have to wait for the SCFCAH meeting in April, because it is COMs' intention to include in that amendment the Croatian BIPs.

COM reminded MS of the need to use the template to assist in transferring correctly any changes to the list of BIPs and of the e-mail addresses, to which any requests can be submitted:

sanco-consult-G6@ec.europa.eu or sanco-G6-imports@ec.europa.eu


Microsoft Word Document

6. UPDATE OF THE POSITIVE LIST (MG/PL)

Following the last Expert Group only very few comments have been provided in relation to the update of the positive list. As this year there were no changes in the updated Combined Nomenclature as provided for in Commission Regulation (EU) No 927/2012, COM did not view it as a priority to continue work on an update.

However, COM started to work now on a guidance document for composite products, which might give some input for updating the positive list.

COM invited MS to submit examples of composite products together with their CN codes, which they would like to see in a guidance document.

PL had asked if for foodstuffs supplements that are composite products or other foodstuffs supplements the rule could be accepted that if the final product contains more than 50% of an animal product, it should undergo veterinary check in BIPs.

COM explained that for that case MS had opted not to refer to the 50 % rule and referred to the SANCO website (in part FAQ) and the following explanation on imports of composite products „Small amounts is undefined in legislation as this can be variable in certain products and in relation to the type of product. Currently the legislation restricts it to retail packs of such products which are to be sold to the final consumer and which are not deemed as bulk products".

http://ec.europa.eu/food/animal/bips/faq/index_en.htm

7. UPDATE ON SINGLE WINDOW PROJECT (DG TAXUD)

DG TAXUD held a presentation on the project for a Single Window (SW) service, which has been circulated by e-mail 06.12.2012 (ref no D/1695840). According to this, DG TAXUD will develop a platform "Speed2" through which in the first phase of the SW national customs offices will have electronically access to the TRACES data referring to

the veterinary clearance of individual consignments. In the second phase it will be possible for national customs offices to give feedback to TRACES on individual consignments. The aim of the service is to purely create an exchange of information that will speed-up and simplify the existing clearance process, its final aim being a step for better harmonization among MS authorities.

Following the presentation several issue were raised:

CH asked when the service will be available and DG TAXUD explained that in accordance with their planning and if MS decide it is a project they want to get involved in, the service will be available to MS after the summer break 2013.

NL asked why the project does not start with the pre-notification of consignments and DG TAXUD answered that the deadlines foreseen in the customs legislation for the Entry Summary Declaration are different from those for the pre-notification in the veterinary legislation. In addition, the Entry Summary Declaration has to be submitted to the first entry in the Union, while the pre-notification for veterinary consignments has to be submitted to the first BIP responsible to carry out veterinary checks. DG TAXUD then drew the attention of the MS to the work undertaken by DG MOVE on the Port Single Window and indicated that there is no intention to duplicate this work.

NL also indicated that the databases (TRACES and those used by customs) for the registration of consignments contain different information. DG TAXUD confirmed that customs use the EORI number as trader registration system whilst TRACES has an own module for trader registration. DG SANCO complemented that this has no impact on the SW service because the data relating to the trader is not part of the data elements that will be made available to the customs office.

DE asked whether the project would also apply to channelled consignments and DG SANCO confirmed and made reference to the rules table, which is covering all types of consignments and customs procedures. Then DE asked if under the new Customs Code the indication of the CN-code in the Entry Summary Declaration will be foreseen. DG TAXUD replied that this would indeed be desirable from a control point of view but that it has to be considered that certain traders consider such requirement as heavy administrative burden. NL asked whether the SW service would also apply to high risk food of non-animal origin and to plant products. DG SANCO referred to the envisaged introduction of the CHED (Common Health Entry Document) in TRACES, which would cover all different products to be checked at the border and confirmed that then the service would equally be available for the CHED.

BE referred to the conclusions of the Warsaw workshop of 2010 where it was stated that the establishment of a Single Window is a national task and explained that BE is undertaking work to establish links between customs, police, food safety and other authorities in Belgian ports. DG TAXUD replied that the SW service is not in contradiction to the approach outlined in 2010, as it only endeavours to make data from a database on Union level available to national customs administrations, which would in fact facilitate the establishment of the national Single Windows. DG TAXUD outlined that all MS have been informed of the SW service in the e-Customs Group on 25.10.2012 and that they were asked to provide comments on the service.

FR stated that the presented solution is similar to the existing link between TRACES and the FR customs clearance system DELTA and referred to the high amount of fishery

products imported into the Union and their relation to IUU certificates. DG TAXUD made clear that before further certificates can be included in the SW service, the first step with TRACES has to be finalized. A similar service for the IUU certificates would require that these are collected in a central database, which is more complicated, as they are issued in third countries, while the CVED is issued by MS.

PL stated a general interest in the SW services and DG TAXUD replied that the project would be stopped, if not a sufficient number of MS would be interested and subscribe to the service.

ES asked whether it would be possible to link the national customs system directly with TRACES to which DG SANCO replied that the existing web-service can be used for this purpose but then it is limited only to Spanish CVEDs whilst the presented SW service would also allow to retrieve the relevant data from CVEDs issued by other MS.

MS were asked to comment on the need for a write off management (weight monitoring for veterinary cleared consignments that are split in smaller consignments for customs release) but no substantial comments were made. DG SANCO asked MS to send their comments and their views to include a write off management in the service in writing as soon as possible.

MS will be kept up to date on the future implementation of the SW service.

8. MISCELLANEOUS (PL/MG)

A) Animal-by-product issues

COM clarified on request of the FVO that all MS except DK recognised that their ABP-establishments published on their websites are eligible to receive channelled consignments as provided for by Article 8 (6) of Directive 97/78/EC. Only DK has its own list of ABP-establishments authorised for channelling with the footnote (9).

Website: http://ec.europa.eu/food/animal/bips/links_en.htm

a) Feed for laboratory animals

COM replied on feed for laboratory animals that it is in general covered in Regulations (EC) No 1069/2009 and in 142/2011 and the establishment of origin needs to be approved and listed in TRACES. The consignments should be presented for border controls to the BIPs and should be accompanied by the pet food certificate provided for in Chapter 3 B of Annex XV to Regulation (EU) No 142/2011. In that certificate the third country authorities have to authorise the production method/treatment of the pet food according to Chapter 2 point 3 of Annex XIII to the same Regulation.

COM said it is aware that there seem to be some problems with the approval of the relevant establishments in third countries since feed for laboratory animals is produced in very small amounts and the third countries are not willing to approve the establishments. COM proposed to regulate this issue within the Guidance document and declare feed for laboratory animals as part of the research and diagnostic rule so that MS can authorize the whole research operation including the feed for the animals.

FR expressed their concerns in that having such a Guidance document would go against what was said up to now. FR had initiated a campaign with their labs to make them aware of the import requirements for such feed, including those for dietetic feed. COM replied that this position is completely correct but the problem is that all establishments must be approved in TRACES which has proved problematic for TCs.

While some MS outlined controversy views, they expressed the need for harmonisation and COM informed that this issue will be further discussed in the animal-by-product (ABP) Working Group early next year, and **MS should provide comments to be taken into account to design a possible solution, possibly a derogation of these establishments from the listing requirements.**

b) Reptile skins

IT (supported by ES) asked if for imports of reptile skin a CVED would be necessary as there are no harmonised import criteria laid down. COM confirmed that a clear requirement for a list of establishments only exists for ungulates and birds and referred to Chapter VI (B) of Annex XIII to Regulation (EU) No 142/2012, which requires that MS need confirmation from the Third Country that the products are originating from an area which is not subject to restrictions based on the presence of transmissible diseases. It is up to each MS how to implement this in evaluating the risk from the relevant origin.

For example, if MS decide to accept such skins without any control because the risk is considered negligible for transmitting communicable diseases from the relevant origin, there is no need for veterinary checks and a CVED issued in the BIP. If, however, a MS decides to request that a document accompanies such products they will need to be checked in the BIPs and customs will have to be informed as to the presence of the correct document.

c) Lanolin

COM then clarified the complicated situation of lanolin, which had been listed in Decision 2002/349/EC under chapter I.2 Products of animal origin: "06 Other refinable animal fats, CH heading 1505". Decision 2002/349/EC has been repealed and was replaced by Decision 2007/275/EC which did not have a reference to lanolin. The unclear situation whether the lanolin should be subject to veterinary checks or not has been clarified following the request of MSs by Decision 2012/31/EU which replaces the Annex to Decision 2007/275/EC:

With reference to Chapter 15 of the Annex to the amended Decision 2007/275/EC lanolin must be subjected to veterinary checks.

1505 00	Wool grease and fatty substances derived therefrom (including lanolin).	All, import without restrictions may be possible for treated wool as referred to in point B of Chapter VII of Annex XIII to Regulation (EU) No 142/2011, if in compliance with the rules referred to in Article 41 of Regulation (EC) No 1069/2009.

Lanolin is a category 3 material derived from animal by-products referred to in Article 10(h) of Regulation (EC) No 1069/2009. The definition of derived products referred to in Article 3(2) and the rules on categorisation referred to in Article 7(2) of the same Regulation are the best options which confirm that a derived product (lanolin) from a particular animal by-product (wool) keeps the same category as the basic ABP (wool).

In accordance with Article 41(3) of Regulation (EC) No 1069/2009, the requirements for the import of Category 3 materials have been set out in Regulation (EU) No 142/2011. In case of import of lanolin for the production of feed for farmed animals the commodity may be imported only under rules referred to in Row 3 of Table 1 of Section 1 of Chapter I of Annex XIV to Regulation (EU) No 142/2011. The consignment must be accompanied by the certificate laid down in Chapter 10(A) of Annex XV to the aforementioned Regulation.

In case of import of lanolin for the production of certain technical products (e.g. cosmetics), lanolin should be accompanied by the certificate laid down in Chapter (8) of Annex XV to Regulation (EU) No 142/2011. COM is aware that the published certificate in Chapter (8) of Annex XV to Regulation (EU) No 142/2011 is not fully adopted for the import of lanolin. Therefore particular changes were proposed in document 7188R1-EN, which was agreed by MS in the SCFCAH on 10 September 2012. The new certificate of Chapter (8) will be published in the second part of February 2013.

During the transitional period, according to the last subparagraph of Article 41(3) of Regulation (EC) No 1069/2009, pending the adoption of the requirements referred to in points (a) and (c) of the second subparagraph, MS shall specify those requirements in national measures until the amendment 7188R1-EN is published and enforced.

Furthermore, the Commission has proposed a discussion within draft document SANCO/7115/2012 that following the change of definition of intermediate products which will cover also cosmetics and certain technical uses, lanolin may be accompanied also with the Commercial document intended for import of intermediate products, set out in Chapter 20 of Annex XV to Regulation (EU) No 142/2011.

d) Used cooking oil (UCO)

COM explained that UCO basically underlies the ABP Regulations, however, there are no harmonised rules laid down in these Regulations and therefore national conditions are applicable. It is currently not underlying the veterinary check regime in BIPs, which is not properly reflected in the Annex to Decision 2007/275/EC as the relevant CN code (1518 00 95) does not provide for a derogation from BIP checks.

In the last ABP Working Group it was decided that nothing should be changed and that MS should continue to apply the existing Regulation. In general, imports of used cooking oil should not be subject of veterinary controls similar to the import of catering waste, which is Category 3. If the used cooking oil is destined for the production of biodiesel, materials resulting from biodiesel products when intended for transformation into biogas or composts has to comply with ABP rules. As contamination of UCOs with certain Category 1 and 2 materials cannot be excluded in case of UCOs imported from Third Countries, Article 8 (g) of Regulation (EC) No 1069/2009 shall apply. This means that imported UCOs shall be declared as Category 1 or 2 materials. However, there is no legal base to provide for veterinary checks at BIPs for such imported UCOs. These controls will have to be done at the MS establishment of destination by the local competent authority.

Only UCOs intended for the production of feed for fur animals need to be presented for veterinary checks to BIPs and national import conditions are applicable.

CZ raised a question related to the import of emu oil and COM will reply separately.

The declaration for importer, used for intermediate products (Annex XV, Chapter 20) is for import of intermediate products for the manufacture of medicinal products, veterinary medicinal products, medical devices, in vitro diagnostics and laboratory reagents. Intermediate products could be imported also for cosmetics according to Annex XII point 3 a) and then the certificate in Chapter 8 of Annex XV to Regulation (EU) No 142/2011 is to be used. If in future the definition for "intermediate products" would be extended, then Chapter 20 of Annex XV could be applicable.

B) Import of glucosamine, chondroitin, chitosan

MS have asked repeatedly for import requirements of intermediate products for the manufacture of food supplements or for animal feed, e.g. glucosamine-sulphate, glucosamine, chondroitin sulphate, chitosan (Ex 2932 99 00 and Ex 3913 90 00).

COM clarified that in case of import of glucosamine in bulk which derived from a) fishery products or b) meat, the consignment must be accompanied with a health certificate:

1. a) for fishery products when intended for human consumption, or
   b) for meat products when intended for human consumption, or
2. if not for human consumption with the certificate laid down in Chapter 1 of Annex XV to Regulation (EU) No 142/2011.

Glucosamine (Chitosamine) is listed in the Feed Material Catalogue (derived from animal or fermentation from grains): Amino sugar (monosaccharide) being part of the structure of the polysaccharides chitosan and chitin. Produced by the hydrolysis of crustacean and other arthropods exoskeletons or by fermentation of a grain such as corn or wheat.

For Chondroitin sulphate the Feed Material Catalogue refers to the following animal products: product obtained by extraction from tendons, bones and other animal tissues containing cartilage and soft connective tissues.

Depending of its origin from fishery products or meat, if in bulk and for human consumption, chondroitin has to come with the fishery/meat product certificate and from approved third countries and the raw material needs to come from approved establishments. If the chondroitin is mixed with other ingredients to a composite product then it can come from a non-approved establishment, if pure chondroitin sulphate, it has to come from an approved establishment.

If destined not for human consumption but for animal feed, it has to come with the certificate laid down in Chapter 1 of Annex XV to Regulation (EU) No 142/2011. The establishment of origin needs to be listed in TRACES.

Chitosan deriving from fishery products as it is made by treating shrimp and other crustacean shells with the alkali sodium hydroxide. Consequently the same requirements as for glucosamine are applicable.

C) Introduction of animals of the genus "Pomacea" (Perry)

COM asked MS if they were aware of Decision 2012/697/EU and informed that these emergency measures were developed to prevent the introduction of live animals of the

genus Pomacea (Perry) as laid down in that Decision. COM confirmed that therefore the import of snails of the genus Pomacea spp. is no longer possible and if such animals are presented to the BIPs, they should be rejected. FR pointed out that there are huge amounts of Pomacea being imported and professionals have already outlined huge concerns related to the prohibition.

COM asked MS to provide information on the trade of these live animals as this would be needed for the review of the Decision. COM clarified that no specific CN-code existed, so research will have to be done manually but they would most probably be included under CN-code 0307 60.

ADDITIONAL REMARK: The issue was discussed during the SCFCAH on 04.12.2012 and on 15.01.2013. Following this the attached clarification was provided to MS.

D) Fish oil in capsules

Regarding fish oil capsules, DK informed that they have alerted their importers that by 1 January 2013, certificates for fishery products will be required for import into the Union via Danish BIPs. DK is quite sure that this will be a problem, since the producers of the final product are not generally establishments approved for export of fishery products to the Union. Therefore they would like to know, which import requirements are applied in other MS in order to ensure a harmonised approach.

DE, AT and other MS assured DK that they also complied with legislation and reject consignments that do not come from approved establishments. CZ clarified, they have fish oil mixed with other substances and they would not reject, if the provisions for composite products are fulfilled. COM noted that there seems to be a common approach on the issue of fish oil capsules and **MS should continue to reject certificates from non-listed establishments or non-listed third countries to incentivise importers to get approval for their establishments.**

E) Lack of pre-notification of consignments

DK asked for clarification on the use of Article 17 (1) versus Article 3 (3) of Directive 97/78/EC (cf. Article 2 (1) in Regulation (EC) No 136/2004). For example, would Article 17 (1) - thereby re-dispatch or destruction – be restricted to situations where the consignment has left the customs area in the port and / or where the importer has requested customs clearance for the consignment. On the other side one could argue that if an importer does not notify a consignment in advance of the arrival to the Union in accordance with Article 2(1) of Regulation (EC) No 136/2004, the consignment must be re-dispatched or destroyed in accordance with Article 19(1) of Regulation (EC) No 882/2004.

FVO confirmed that MS have problems with delayed pre-notifications and that in some MS the consignments are already around one month in the port before they are notified to the BIP. COM – supported by AT - suggested to decide on a case-by-case basis which type of sanction would be most appropriate in the relevant case.

9. FVO AUDITS 2013

The FVO updated MS on the audit programme for import controls for the next year and informed that MS will soon receive the official FVO audit programme. The audit series on personal imports and pet animals are finalised and a general report with the results of this series will be sent to MS as soon as the individual MS reports have been finalized.

The FVO noted that in general import controls are working well and so the audits carried out will move to the next level and for 2013 the audits will concentrate on:

a) The use of TRACES: import controls, intra-trade and other matters.

b) Verification systems: see what mechanisms MS have in place to control their own rules and assess the effectiveness of their work.

The FVO clarified that these will be two separate audits that will be carried out in different MS.

COM concluded the expert group with thanking MS for the preparation of the fare-well presentation for MG and by thanking MG for is very good work for the import controls and wishing him all the best for his future.

(signed)
G6 – Import Controls

Encl: Agenda
List of distributed documents

Cc: Experts in 27 MS, Croatia, Norway, Iceland, Switzerland, Faroe Islands + ESA

EXPERT GROUP ON VETERINARY IMPORT CONTROLS LEGISLATION
"VETERINARY CHECKS"

21 November 2012

– AGENDA –

1) **REVIEW OF LEGISLATION**
2) **CERTIFICATION**
3) **RE-ENFORCED CHECKS IN TRACES**
4) **TRACES ISSUES**
   - **A) CVEDs for transit consignments**
   - **B) Update on transhipments**
   - **C) Controls and procedures for NATO/US bases consignments**
5) **UPDATE OF THE BIP LIST**
6) **UPDATE OF POSITIVE LIST**
7) **UPDATE ON SINGLE WINDOW PROJECT (DG TAXUD)**
8) **MISCELLANEOUS**
   - **A) Animal-by-product issues: feed for laboratory animals, lanolin, used cooking oil, isinglass**
   - **B) Import of glucosamine, chondroitin, chitosan**
   - **C) Introduction of animals of the genus "Pomacea" (Perry)**
   - **D) Fish oil in capsules**
   - **E) Lack of pre-notification of consignments**
9) **FVO AUDITS IN 2013**