

**Minutes of the meeting of the expert group to discuss the delegated act on surveillance, eradication programmes and disease free status according to the Animal Health Law as it relates to aquatic animals**

**13 July, 2018**

**1. APPROVAL OF THE AGENDA**

A preliminary agenda was circulated in advance and agreed at the beginning of the meeting. The working document to be discussed was also circulated to Member States in advance of the meeting.

DK had submitted some slides to the Commission the day before the meeting in relation to their successful VHS eradication programme. The Chair agreed that these could be taken during the day if time permitted, otherwise they would be taken at the beginning of the next Working Group meeting in the autumn.

**2. NATURE OF THE MEETING**

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

**3. INTRODUCTION**

Five presentations were made by the Commission on the day. These were as follows:

- i. Presentation giving details of finfish fact finding missions which were carried out by Directorate F during the period 2014-2016 and mollusc fact finding missions which were carried out between January and April this year. Various elements of compliance and non-compliance with the current legislation were highlighted along with points which should be taken into consideration when delegated and implementing acts are being drafted under Regulation (EU) 2016/429.
- ii. Presentation outlining possible approaches to some of the issues which had been raised in the presentation from Directorate F. These included considerations in relation to Category III establishments; the inclusion of establishments growing non-susceptible species in surveillance programmes; improved reactivity to emerging diseases and the complexity of the current matrix of risk based surveillance visits and inspection of establishments under the Official Controls Regulation.
- iii. Presentation in relation to the articles of the Delegated Act on surveillance, eradication and disease freedom which had previously been discussed at the June 11 Working Group but which had been edited subsequently to take account of comments from MSs as well as internal deliberations.
- iv. Presentation in relation to Annex VI of the Delegated Act on surveillance, eradication and disease freedom. This annex deals with design of risk based surveillance, case definitions, targeted animal population, sampling & diagnostic methods, classification of the status of establishments prior to the

commencement of an eradication programme, disease specific requirements for obtaining disease freedom and requirements to maintain that freedom.

- v. Presentation detailing text which was not discussed at the June 11 Working Group. This text relates to the disease free status of compartments and the various routes by which this can be achieved for listed diseases.

#### 4. CONCLUSIONS/RECOMMENDATIONS/OPINIONS

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

- 4.1 The presentation given by Directorate F in relation to their aquaculture related fact-finding missions elicited several interventions from MSs in relation to:

- the determination of what can be classified as 'abnormal mortality'. In particular, this was discussed in the context of extensive aquaculture. The general view was that operators know how to identify abnormal mortality and when to notify, even in the absence of defined rules or set reporting limits.
- the emergence of serious mollusc diseases in the past 10 years and the fact that the same situation could occur in relation to finfish diseases. In that context, the development of a procedure to deal with such situations is required.

- 4.2 The first presentation from Unit G2 dealing with possible solutions to some of the issues described by Directorate F in the presentation referred to above resulted in the following discussions:

- A number of Member States were strongly in favour of abolishing Cat III status (as it is currently presented in Directive 2006/88/EC) and retaining 'unknown' status only in the context of eradication programmes i.e. where the 'unknown' status will be time limited. A number of other MSs were however, against the proposal. A number of different reasons were given as to why Category III should not be abolished. These ranged from the prohibitive cost of obtaining Cat I status to the fact that the geographical situation in certain MS will not allow the parameters for disease freedom to be achieved given the constraints on the passage of fish which are set out in the Water Framework Directive. The Commission undertook to consider all views and revert back at future meetings. Two Member States asked to see justifications as to why Cat III should be retained. This was in the context that high risk Cat III establishments require 3 health visits per year whilst high risk Cat I establishments only require a single health visit per year. The claim that it is too expensive to obtain Cat I status was queried in that context.
- There was general consensus on the view that in certain circumstances (i.e. where there is a lot of trade for further farming) it is important to include non-susceptible species in surveillance programmes. The importance of adopting this approach was highlighted by the issues which had arisen with molluscs (*C.gigas*) in the past 10 years and which could in fact happen with any species in the future. The importance of being able to react as quickly as possible to emerging disease situations was discussed and agreed.

4.3 The second presentation given by Unit G2 covered general articles of the Delegated Act on surveillance, eradication and disease freedom as well as eradication programmes for Cat B and C diseases of aquatic animals. The main points discussed were as follows:

- The wording of relevant articles should be adjusted to reinforce the fact that one of the objectives of surveillance is the early detection of emerging diseases.
- In the case of aquatic animals 'targeted animal population' will mean at least, the species which are listed in the Implementing Act on listed species and disease categorisation. The competent authority may however, include non-susceptible animals if this inclusion is merited from a disease eradication perspective. A possible derogation from the inclusion of certain animals in the targeted population was discussed and it was agreed to reword the relevant article to take account of discussions on the day.
- There are no aquatic diseases currently listed in Cat B but it was agreed to amend this Chapter to include mention of Cat B, should it be required in the future.
- A new wording was agreed which strengthens the measures possible for cross border eradication programmes. It was also agreed that Member States should be able to include all establishments in the eradication programme if the competent authority assesses that those establishments pose a disease risk. The inclusion of a 6 year limit to eradication programmes with the ability to prolong on duly justified grounds was agreed.
- Some Member States felt that the new wording which was put forward in relation to eradication programmes for aquatic animals still required more work to reflect the fact that the starting point for any programme will be determined by the CA based on the track record of each establishment, rather than on the results of an official surveillance programme. The Commission undertook to improve the current wording.
- Comments from one Member State indicated that provisions in relation to the isolation of suspect or confirmed animals in aquaculture establishments should be removed given that such isolation (when it is possible) does not achieve anything in terms of the overall health status of the establishment. Member States were asked to consider this proposal. Additional text which had been suggested in relation to movements from establishments which are confirmed to be infected but where certain animals are located in a separate epidemiological unit within that establishment were discussed and agreed.
- The text which deals with intensified surveillance in establishments which have a link to the confirmed establishment was discussed. Member States had conflicting views on whether this provision was required or not. The Commission undertook to reflect on the current wording.
- The proposed rewording by the Commission to allow slaughter to occur at the infected establishment itself with further processing at a disease control food establishment was agreed.
- Derogation from the requirement to obtain approval for a declaration of disease free status from the Commission was discussed in the context of

comments received from Member States. It was agreed that the proposal appears to set out an acceptable 'middle ground' position and does not need to be changed.

- 4.4 The third presentation from Unit G2 outlined the approach which has been taken to 'the aquatic Annex' of the Delegated Act and requested feedback from Member States on a number of issues. The annex is largely reflective of the content of Commission Decision 2015/1554 but is structured in a different way. The diseases which are contained in the current draft are indicators only. All listed disease will be included in the final text.
- 4.5 The final presentation covered articles which relate to disease free compartments. As these articles are largely reflective of those which have already been outlined in this Delegated Act for Member States and zones and of the provisions which are also set down in Council Directive 2006/88/EC and Commission Decision 2015/1554, Member States were asked to reflect on the wording provided and revert with written comments. Article COMP1-8 para 3 is however very new and this provision was discussed in detail. Member States expressed the view that commercial restocking would be preferable to restocking with sentinel animals. It was suggested that retesting at a time when environmental conditions are conducive to clinical expression of the disease after commercial restocking would be a more appropriate approach.

## **5. NEXT STEPS**

The Commission invited experts to provide written comments on the draft Delegated Act by **31 July 2018**.

## **6. NEXT MEETING**

The next meeting is tentatively scheduled for **14 September 2018 for aquatic animals** but room availability has yet to be confirmed.