



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY
Veterinary and International affairs
Multilateral International relations

Brussels, 23.09.2015
SANTE G6/PL/BS/ise (2015) 4395719

FINAL NOTE FOR THE FILE

Subject: Summary Report of the Expert Group on Import Veterinary Checks – 08.07.2015

**Present: All Member States except Cyprus, Finland, Greece, and Latvia
Iceland, Norway and Switzerland**

Commission Personnel (COM): DG SANTE: Patricia Langhammer (G6), Bruno Saimour (G6), Maria Giaprakis (G6), Kaido Kroon (G2)

Introduction:

COM welcomed the MS to the meeting and presented Maria Giaprakis as their new colleague arrived in Unit G6.

After the distribution of the Agenda, several points were added on the request of MS – Agenda as attached.

NL asked if it was possible to find the list of MS contact points competent for import veterinary checks. COM answered in such case the mailing list of this Expert Group could be used. Another option could be to use the mailing list of the Standing Committee on Plants, Animals, Food and Feed. COM informed that in the Food Fraud framework they are working on the Administrative Assistance and Cooperation (AAC) system, a database, which should enable exchange of information between Member States, which could be used for illegal consignments escaping veterinary checks as well.

1. REVIEW OF LEGISLATION

COM informed that the discussion of the draft Official Control Regulation (OCR) in the Council's Joint Working Party of Veterinary Experts (Public Health) and Phytosanitary experts continued. The Latvian Council Presidency finished their period with discussions on Attaché level and the Luxembourg Presidency will start with the Attaché meeting in July.

There are still some open issues, about meat controls and fees, which will be discussed in the Attaché meeting while the role of the official veterinarian in BIPs will be discussed in Coreper on 15 July. If agreement for the revised version of the document is achieved, the

Coreper for the mandate could be on 22 July and the Trilogues in the end of September 2015.

The Animal Health Law, which was separated from the OCR, was adopted in June

2. RE-ENFORCED CONTROLS

COM gave a presentation of the re-enforced check regime (REC) in TRACES and indicated that currently around 65 % of RECs are launched by MS. The remainder is launched by COM, which is mainly based on market controls.

In addition, COM raised the following issues:

- For market controls, the time period between the date of import and the date of sampling can exceed sometimes 6 months. In such case, COM does not consider as relevant to launch a REC and asked the MS for their views. MS were reminded that, on the basis of the RASFF notification, they may anyway sample consignments from the same establishment in accordance with Article 20 of Directive 97/78/EC.
- COM reminded that it is very important to give as much information as possible in the RASFF/TRACES notification where a REC is involved (i.e. written comments in Box 59, attached documents, attached photos). An example of REC of allergen labelling for products containing albumin was given. According to the notification, albumin had been found in the product but no further information was provided concerning the label and/or the actual infringement. In such case, the need for a REC cannot be assessed properly.

COM explained how to use a QlikView query which allows the MS to prepare their monthly report of laboratory results and to send it to the COM services in order to be compliant with Annex II (4) to Regulation (EC) No 136/2004 if all their BIPs use TRACES correctly. While some MS commented that COM could carry out this query, COM clarified that MS should use such queries for the review of their national monitoring plans. In addition, it is very important the all the BIPs include results of laboratory tests in TRACES as these data will be one of the bases for the future risk assessment for reduced physical checks under the OCR.

3. TRACES ISSUES

a) Classification of seafood mix

COM explained that consignments with frozen seafood mix (mainly from Vietnam) can contain 1 kg bags with pieces of fresh fish, crustaceans, molluscs and also processed bivalve molluscs. As these products have different CN-codes like 0304, 0306, 0307 and 1605, the question arose if all these CN codes must be mentioned in box I.19 of the health certificate and in the CVED.

According to DG TAXUD, seafood mix products should have only one CN code applicable, e.g. code 1605 for the products containing 25% raw squid and cuttlefish tentacles, 20% raw squid and cuttlefish strips, 20% raw squid rings, 20% cooked baby

yellow clam, 15% blanched shrimps. A draft Regulation to fix this CN code is currently in inter-service consultation.

b) Temporary admission of horses

COM was informed of some issues linked to horses in temporary admission for 90 days in the EU. According to Article 2(i) of Directive 2009/156/EC, 'temporary admission' refers to the status of registered equidae originating in a third country and admitted into Community territory for a period of less than 90 days to be fixed in accordance with the procedure referred to in Article 21(2), depending on the health situation in the country of origin. The specific third country list and the health certificates depending on the third country of origin are laid down in Decision 92/260/EC.

In those health certificates the owner of the horse has to detail in part II of the certificate the destination of the horse in the EU. In case that destination is changed to another Member State, part VII of the Declaration has to be filled in to trace the new destination. It is the responsibility of the owner of the horse to present it to the LVU in the Member State of destination to enable that LVU to confirm in TRACES in part III of the CVED the arrival of the horse. In addition, the owner has to present the horse at the exit BIP to enable the exit BIP to confirm in TRACES in part III of the CVED the exit of the horse. In case the BIP of entry does not receive this confirmation, they have to alert the competent authority responsible for the destination detailed in part II of the health certificate and ask them if the horses arrived and where they went. In such case, customs can help if they are given the number of the customs declaration. In addition, customs authorities from the entry BIP would need to contact the customs authorities of the Member State of destination to see if the horses arrived there and if they have left to be returned to their third country of origin.

Directive 2009/156/EC provides the legal basis for the conversion of temporary admission of registered horses into permanent entry. However, no detailed provisions have been adopted yet by the Commission. There is a draft implementing Regulation presented for discussion with MS in the Standing Committee on Plants, Animals, Food and Feed which details under which conditions horses with temporary admission might be converted into permanent entry.

Some MS confirmed that it is sometimes difficult for the entry BIP to find out what happened with the horses, considering that no feed-back information is provided from the LVU at destination or the BIP of exit. COM answered that, according to the different experiences encountered, it is always possible to trace the animals if sound investigations are conducted properly in cooperation with all the competent authorities involved.

c) Progress with the Single Window-CVED pilot project

COM reported progress in the pilot project for the automated exchange of CVED-information with customs authorities through the TAXUD platform SPEED2. Four of the MS passed the test phases and CZ, IE and SI are already benefitting from the automated data exchange. PL will move to the automated exchange in mid-August, while LV and BG have already started the first testing.

As already outlined in the last meeting, COM reminded that it is important to have the correct CVED number in TRACES and it is also important to leave the CVED in status "New" until the consignments arrive physically in the BIPs and are controlled.

Some MS recalled problems with customs releases in their national interfaces when customs used only the CVED number of TRACES without assessing the veterinary decision on the second part of the CVED. COM confirmed that this issue is crucial for the proper functioning of the interfaces and it should be repeatedly checked with the customs: the CVED number of TRACES in box 44 of the customs declaration is used for traceability and to retrieve the relevant CVED from TRACES with supra national or national IT system, however, the veterinary decision which must be assessed to ensure that no customs procedure is allowed which would contradict to the veterinary decision.

A discussion on different practises in MS arose on this and DE explained that ports need to pay attention as the possibility of lodging a customs declaration prior to the expected presentation of the goods to customs in automated clearance systems could lead to the acceptance of the customs declaration before the import controls have been finalised and recorded on the CVED. Therefore in DE the lodgement of an advanced customs declaration for veterinary goods is not allowed before veterinary checks have been carried out to prevent any such automated release.

4. MODIFICATIONS TO CVEDS AND IMPORT CERTIFICATE IN TRACES

COM had revised the draft documents after the meetings of the Experts Group on 13 April 2015 and the TRACES Working Group on 20 April 2015. The new documents were distributed and discussed with the MS.

a) Common Veterinary Entry Document for Products

COM informed that very few changes were applied to this draft and certain boxes were defined as optional. The comments received from MS on this draft concerned mainly wording and formatting issues. There was a new proposal from some MS to introduce a new 'Box II.21. Inspection fees' as an optional field. COM inquired whether this box should be as a free-text box with the amount of fees collected for the consignment or a 'yes/no' box.

On the general part of the notes, the UK requested clarifications on the first statement which does not make sense to them as it mentions that an electronic document electronically signed within TRACES could be accepted whereas the paper document must accompany the consignment. COM explained that, until electronic signature has a legal basis, the paper version is still needed.

Several MS commented to the title, to boxes I.1, I.3, I.5, I.9, I.19, I.21, I.29 and II.18, which will be considered by COM. UK suggested rephrasing certain sentences in a way to express gender parity.

In 'Box I.9. Arrival at BCP', DE wished to refer to the entry point whereas COM explained they wanted to use the term from the draft Official Control Regulation and keep it general.

DK, supported by IT and DE, requested clarifications on ‘country of origin’ versus ‘country of dispatch’ in case of triangular trade. As it is phrased now, it sounds like the country of origin is that issuing the health certificate whereas it should be the country bearing the identification mark of the goods. Indeed, both concepts should be kept as both are needed in case of triangular trade. COM would come back to this concept as for the health certificate there are provisions in the hygiene regulation that the country of dispatch can become the country of origin.

DE thanked the COM for having added a tick-box so as to allow informing whether it is an official seal or not in ‘Box I.16. Seal/Container No’.

‘Box I.18. Compliance of the goods’ raised questions again among NL, DE and the UK delegates. The UK suggested deleting ‘with the exception of germinal products’ as when describing conforming and non-conforming products, animal by-products are not referred to at all. COM has to investigate whether or not to include animal by-products/germinal products in order to align with the draft Official Controls Regulation.

As regards ‘Box II.3. Documentary check’, DE asked for the explanatory note to be clearer as it was not clear whether ‘EU Standard’ or ‘National requirements’ needed to be ticked or even both. COM needed to investigate on a better phrasing. However, both are possible in certain cases.

The UK and HU addressed the question of uninterpretable test for the results of laboratory tests and wished to have a box in the hardcopy CVED. COM explained that, in the case of sample taken under suspicion, if the sample is uninterpretable, another sample will have to be taken and sent to the laboratory. Similarly, in the case of a random sample, the fact that it was uninterpretable should not necessarily be reflected in the hardcopy CVED as the consignment was released for free circulation.

The UK also requested that the word ‘intermediate’ in front of animal by-products be removed in the explanatory note for box II.11 as this would mean that they do not need further processing. COM explained that intermediate is used for the products under channelling procedure but would investigate with the animal by-product legislation.

As requested by the COM, DE came up with a list of proposals to be included in a drop-down menu for the box ‘Others’ under ‘box II.16 Reason for refusal’ (cf. document distributed). AT mentioned they had also sent a drop-down menu for ‘Other’ to the TRACES team and would like to have a feedback. However, the box ‘Others’ should remain as a free-text box also as there are still other possibilities.

NL wished clarifications on why box II.11 is concerned by the controlled destinations box. COM explained that the controlled destination needs to be indicated in box II.11 for certain animal by-products which are channelled (soft channelling) to a specific destination (boxes II.11 and II.17). In relation to the channelling requested in Article 8 of Directive 97/78/EC boxes II.12 and II.17 are ticked (T1 customs procedure or T5 customs control). The difference is that in box II.11, customs can release the consignment for free circulation. It is up to the MS to clarify with the local authorities if the consignment has arrived.

b) Common Veterinary Entry Document for Animals

Some of the UK remarks made on the CVEDP are also valid for the CVEDA (gender parity, accompanying documents bearing the same two lines,...).

As regards 'Box II.17. Details of controlled destinations', the UK suggested rephrasing the last sentence in order to make clear that the competent authority will be notified through TRACES. As it is now, it implies that another notification must be sent.

c) Generic Import Health Certificate

DE expressed non-satisfaction with the general explanations. According to DE, there is confusion between all types of paper documents (documents, certificates). They also requested a reference to Annex VI to Regulation (EC) No 854/2004, which defines how a certificate should look and also a reference to Directive 96/93/EC on general certification and finally to the Codex document on the replacement certificate. COM replied that they would not repeat all the references in this text as they are already written in other pieces of EU legislation.

The UK wished to clarify the transit part in the explanatory note for box I.6 and why the third country veterinarian should certify for this information as they usually do not have the information to hand at the time of certification. COM clarified that there are certain products for which there are specific transit certificates, e.g. meat products need to be filled in by the third country veterinarian.

The discussion on the country of dispatch and the country of origin was raised for the health certificate as well and DK – while agreeing to the text in the footnote - offered to provide clarification to the triangular trade while COM will check with its experts.

NL asked for clarification on what closed container meant in the explanatory note of 'Box I.19. Seal/Container No'. COM's answer is that it refers to closed transport containers as opposed to bulk containers.

COM asked MS to send their suggestions on the three models within the next two weeks.

5. TAXUD ISSUES

COM informed that the "Factsheet" guidance documents dealing with live animals and animal products, general 882-controls, controls on food of non-animal origin are nearly finalised and will soon be agreed by DG TAXUD and their MS representatives. Then they will be published on the Internet and COM will inform MS accordingly.

COM explained that DG TAXUD agreed to organise in the early 2016 a joint expert meeting focussing on veterinary-customs issues. The meeting would be held in Brussels and should gather customs experts of PARCS and veterinary experts of this group, for a 1-day discussion. The possible topics to be addressed are:

- Impact of the UCC, e.g. temporary storage
- Classification issues
- Single Window
- Controls on pets

DG TAXUD will consult their experts in the Prohibition and Restrictions Customs Controls Strategy Group (PARCS) for the topics they would like to address in such meeting and COM asked MS to provide any other topic, they would wish to discuss during such a common group by the end of July.

6. UPDATE OF POSITIVE LIST

COM started to work on the update of the positive list of Decision 2007/275/EC detailing animals and their products which have to be presented for veterinary checks to BIPs. In addition, Annex II of foodstuffs not subject to BIP checks was reviewed to add the CN codes, considering that the product descriptions are not sufficiently detailed for customs.

The draft document was circulated and MS were requested to send their comments by the mid of August 2015.

7. MISCELLANEOUS

a) Update of BIP list

COM informed that the last update to the BIP list was published on 16 June 2015 as Decision 2015/919/EU. COM has drafted a new amendment Decision with changes to the BIP list for Belgium, Spain, Lithuania and the Netherlands and with changes to the TRACES units for Italy. The draft (SANTE/10930/2015) is planned to be presented to the Standing Committee on Plants, Animals, Food and Feed after the summer break for vote and any comment would be welcomed as soon as possible.

For future updates, COM reminded MS to use the attached template to assist in transferring correctly any changes to the list of BIPs/TRACES units, which should be sent to the following e-mail addresses:

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



template for
changes.doc

b) Update on controls on NATO consignments

COM informed that following the last Expert Group the updated Guidance document on transit and transshipment has been published on the website:

http://ec.europa.eu/food/animal/bips/guidelines_en.htm

Based on some FVO audits it became apparent that not all US bases receiving non-conforming consignments from US are registered and designated as exit BIP in TRACES. Therefore, the list of the bases in Annex II to the Guidance might need to be updated and re-published very soon. As this list in Annex II is based on the negotiations with USEUCOMM it will not be necessary to consult such changes with MS, however,

they will be informed accordingly (e.g. Aviano in IT will be added and there will be some changes to the bases in IT in Naples and Sigonella)¹.

COM asked MS to make sure that their BIPs use the correct organisations in TRACES for the destination of US consignments delivered to the US bases and referred to the TRACES unit codes in the second column of Annex II to the Guidance.

c) Frog legs and snails from China

COM drew the MS' attention on Decision 2015/1068/EU that amends Decision 2002/994/EC concerning certain protective measures for products of animal origin imported from China. With this Decision, some feed and food additives, food supplements and feed material have been added in Part I of the Annex.

On the request of IT, COM clarified that Decision 2002/994/EC does not allow import of snail and frog legs from China, considering that they are not specifically mentioned in the Annex and that they do not belong to the category of fishery products. Nevertheless, Decision 2002/994/EC is not applicable for transit consignments, because the safeguard measure is based on public health only.

According to Directive 2002/99/EC, transit of snails and frog legs must fulfil animal health conditions and no specific provisions have been laid down for these products in EU legislation. Therefore it is up to MS to introduce such conditions for animal health and to apply them for transit.

According to the QlikView records (2014-15) in TRACES, the question is more theoretical than practical as there were only very view consignments and IT clarified that these consignments were destined for ship supply.

d) Certification live animals

The UK reported that they were contacted by the US on some issue regarding the timing for issuance and endorsement of model certificate POR-X for domestic porcine. Point II.2.8 states that the animals "were examined by an official veterinarian within 24 hours of loading", but the US two-signature system takes more than 24 hours for the export health certificate to be issued by the accredited veterinarian. In order to address the issue, APHIS has proposed the UK to use an alternative certification process. Points II.2.8, II.2.9 and II.3 (animal welfare statement) would be invalidated on the original health certificate and, at the port of loading, an APHIS veterinarian would issue an additional attestation including the missing guarantees.

COM answered that MS are not entitled to introduce such bilateral arrangements on the EU-harmonised health certificates. Such negotiations must take place at Commission's level, especially with the non-EU countries that have concluded the relevant international Agreement with the EU.

e) Labelling issues: Regulation (EU) No 1337/2013

¹ The updated Guidance document was circulated and published on 10.07.2015.

NL raised several questions on the information of country of origin for fresh meat of swine, sheep, goats and poultry with regard to Regulation (EU) No1337/2013.

- 1) Should the required information be present on the label at the time of the BIP controls?

COM answered that the information referred to in Articles 5 and 6 of Regulation (EU) No 1337/2013 must be transmitted, together with the meat, between the operators at the different stages of production and distribution. In case of importation, the information must be available with the consignment presented to the BIPs.

According to Article 8(7) of Regulation (EU) No 1169/2011 (food information to consumers), where prepacked food is intended for the final consumer but marketed at a stage prior to sale to the final consumer and where sale to a mass caterer is not involved at that stage or where prepacked food is intended for supply to mass caterers for preparations, the mandatory information of Articles 9 (including the mandatory indication of origin) and 10 may appear either on the pre-packaging, or on the label, or on the commercial documents referring to the foods.

As a reminder, the only mandatory information that must always appear on the external packaging in which the prepacked foods are presented for marketing are the name of the food, the date of minimum durability or the 'use by' date, any special storage conditions and/or conditions of use and the name and address of the FBO.

- 2) How to know that the food is intended for supply to the final customer or to mass caterers?

COM explained that, according to Directive 97/78/EC, it is the responsibility of the person responsible for the load to provide the BIP with any relevant information for the smooth operation of controls.

- 3) Is the information on the label only applicable for prepacked food?

COM answered that all the mandatory information of Article 9 (including the mandatory indication of origin) and 10 of Regulation (EU) No 1169/2011 concern only prepacked food.

Member States may require other mandatory particulars referred to in Articles 9 and 10 of Regulation (EU) No 1169/2011 (including the mandatory indication of origin) by means of national law for non prepacked foods.

In relation to the net weight of glazed products, COM is working internally on the following statement.

For consistency with Regulation (EU) No 1169/2011 and the information on food label, the net weight indicated in health certificates and CVEDs for glazed food must follow the same rule and be exclusive of the glaze.

Operators are free to use and communicate any type of weight in their business to business transactions, including the weight of glazed food inclusive of the glaze. Nevertheless, when they use the specific wording "net weight" for glazed products in the documents, including health certificates and CVEDs, they must stick to the correct definition, i.e. weight exclusive of the glaze.

Moreover, according to Regulation (EC) No 136/2004, Box I.15 of the CVED must be completed with the "net weight of actual product excluding packaging". Therefore, the definition of net weight is directly linked to the definition of packaging. In this matter, the international standards² commonly agree that the liquid medium is part of the packaging, where the liquid medium is intended to be left over for consumption, which corresponds perfectly with the spirit of the net weight definition given by Regulation (EU) No 1169/2011.

f) Physical checks on gelatine

At the request of NL, COM presented statistics relating to the frequency of physical checks applied by the EU BIPs for gelatine. According to Decision 94/360/EC, this frequency should be comprised between 1 % and 10 %. Nevertheless, the statistic figures from TRACES show that all MS are currently much higher than 10 %.

(signed)

G6 – Import Controls

Encl: Agenda
 List of distributed documents

² E.g. International Recommendation OIML R 87 or Codex Standard STAN 165/1989

Cc: Experts in 28 MS, Norway, Iceland, Switzerland, Faroe Islands + ESA, B. Van Goethem, M. Flueh, M. Scannell, B. Gautrais, C. Garau, L. Terzi, A.E. Füssel, K. Van Dyck, K. De Smet, P. Caricato, E. Strickland, R. Tascon, C. Laso Sanz, B. Carol Galceran, S. Perucho Martinez, G. Maréchal, N. Guth, A. Dionisi, J. Bloemendal, S. Andre, D. Carton, K. Kroon, P. Bernorio, H. Hansen, H. Klein, B. Logar, M. Klemencic, J. Baele, S. Curzon, G. Balkamos, L. Battistini, I. El Busto Saenz, M. Cronin, T. Theoharis, J. Maciulyte, B. Janackova, O. Prunaux, K. Bar-Yaacov, V. Enjolras, M. Wils, G. Jennes, Unit G6.

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

8 July 2015

– AGENDA –

- 1) Review of legislation
- 2) Re-enforced controls
- 3) TRACES issues
- 4) Modifications to CVEDs and import certificate in TRACES
- 5) TAXUD issues
- 6) Update of positive list
- 7) Miscellaneous
 - a) Update of BIP list
 - b) Update on controls on NATO consignments
 - c) Frog legs from China
 - d) Certification live animals
 - e) Labelling issues
 - f) Physical checks on gelatine

23.09.2015

VETERINARY LEGISLATION “VETERINARY CHECKS” EXPERT GROUP

8 July 2015

DISTRIBUTION OF DOCUMENTS

E = sent by e-mail	PM = distributed at a previous meeting
DM = distributed during the meeting	FM = to be distributed at the forthcoming meeting
	AM = distributed after the meeting

Agenda Item	E	DM	AM	PM	FM	Subject	Document Reference
2	09.07.2014					Re-enforced checks	3240650
4	01.07.2015					Working documents on CVED for live animals and animal products,	D/3109907
4	09.07.2014					examples for drop down menus in TRACES	3240650
6	09.07.2014					draft Annex to amend the two Annexes to Decision 2007/275/EC	3240650
7	09.07.2014					Proposed annex updating BIP list	3240650