

ANIMAL HEALTH ADVISORY COMMITTEE

**Working Group of the Advisory Group on the Food Chain,
Animal Health and Plant Health**

FRIDAY 17 JUNE 2016, 10.00 H – 13.00 H

Conference Centre Albert Borschette – Rue Froissart 36 – Bruxelles, CCAB-1D

SUMMARY

Note: the summary below covers discussions after and beyond the presentations which are already available embedded into the online agenda:

https://ec.europa.eu/food/sites/food/files/animals/docs/comm_ahac_20160617_agenda.pdf

Introduction, opening: Head of Unit G2 Animal health and welfare - DG SANTE

The Commission explained briefly the new Units and the division of responsibilities following SANTE reorganisation in February 2016, in particular those of Units G2 and G3¹, emphasising the close ties between these two Units, as well as the recent entry into force of the EU Animal Health Law.

1. Information on the state of play and follow-up after the adoption of the EU Animal Health Law, SANTE G2 and G3

- **Planning and context of future work on delegated and implementing acts (trade, entry into EU, disease prevention and control measures, non-priority areas).**
- **Disease listing and categorisation process**
- **Study on a possible derogation from certain certification requirements for intra-EU trade in live animals as provided for in Article 144 of the EU Animal Health Law**
- **Q and A and feed-back of stakeholders on other aspects of the EU Animal Health Law**

There were no questions after the presentation of each sub-topic above, rather all questions were asked and discussed after all presentations have been delivered, as follows:

OFI inquired about considerations on two diseases of aquatic animals (epizootic ulcerative syndrome [EUS], white spot disease).

FESASS asked for more details on the planned study, in particular on which sense it will go deeper than publicly available data from Eurostat or TRACES, in what sense economic aspects will be covered and how relevant recommendations from previous Stoiber report(s) on admin burden will be taken into account.

FVE inquired about composition of more restricted or dedicated working groups, asked about how benefits of derogations from intra-EU trade rules can be assessed if corresponding risks are not tackled, expressed disappointment that some issues (e.g. animal health visits or activities delegated to vets) are not considered key priorities and will have to wait.

¹ http://ec.europa.eu/dgs/health_food-safety/chart.pdf

UECBV asked about the number of assembly operations allowed prior to intra-EU trade and the role of collection of animals on trucks in that process.

ATA asked about priorities as regards pets and the same species of animals traded as well as about exotic species such as certain reptiles. Keeping in touch with the Commission via centralised means was also raised.

FESASS also inquired about further details on the EFSA mandates for the assessment of diseases and on how economic aspect will be taken into account for categorising the diseases.

IPATA asked about how the cross-over element and strong and close relationship between movement of pet dogs and traded dogs in light of 5 days requirement for movements in the current rules will affect handling them as priorities (or not).

Eurogroup inquired about the use of potential legal bases for del/impl acts in Articles 84-128 and whether all possibilities for del/impl acts will have to be used immediately and if not, will some of them be used later on.

In the answers Commission clarified that EUS is planned to be delisted, based on a previous EFSA opinion (as it is in Dir 2006/88/EC), and it was only caught up accidentally by the EP/Council copy/paste of the list of the financial regulation into the AHL. White spot disease will undergo an assessment. As regards details of the EFSA mandates, the first is already on EFSA web², while the second is in internal procedure and will be made public by the same way (*NOTE*: published since). As regards economic aspects of diseases and of the measures against them, those will be added by the Commission to each disease following the initial risk assessment by EFSA. Some details of the study were also explained. As for participation in further work on specific areas, the Commission wishes not to restrict participation to certain members of this group but remain open, while stakeholders can choose, of course, to stay away from those topics that are of no interest for them.

As regards centralized contact possibilities, the e-mail address SANTE-animalhealthlaw@ec.europa.eu still exists, is monitored and can be used.

The Commission explained the horizontal (inter-institutional) requirements for the so-called "bundling" of legal bases for certain del/impl acts and gave insight into the logic it plans to follow to bundle some of those, demonstrating it with the example of an act for germinal products. First legal bases to be used must be in accordance with the priorities defined by the co-legislators (cf. Art 274 of AHL). Not used legal bases can be used later, as necessary. The Commission also clarified that rules for pet dogs remain applicable for 10 years and the 5 days rule does not change the character of those animals, only the way some of the trade rules are applicable (or not) to them. The question on assembly centers and trucks replacing the first assembly center was clarified.

The Commission also explained that priorities (and negative priorities) had to be made in also in light of staff cuts to deliver the obligatory items and also in light of higher political priorities of the Juncker Commission (growth and jobs etc.), as those are applicable to the animal health area. The Commission is committed to transparency and involvement of stakeholders though, while asked the stakeholders too to focus on priorities also in raising issues and questions. The Commission explained that more specific working meetings are expected to start towards the end of the year.

² <https://www.efsa.europa.eu/en/request/requests>, mandate number: M-2015-0240

2. Follow up on European Parliament resolution of 25 February 2016 on the introduction of compatible systems for the registration of pet animals across Member States, SANTE G2

After the presentation Eurogroup reminded that the resolution was the result of many thousands of signatures, claimed that the Commission agreed to greater harmonisation of dog identification and registration rules some time ago and asked about the time of the final decision on how to proceed as regards legal bases in Article 109-118 in AHL.

IFAH-Europe considered that the Commission should make the fight against rabies a priority.

The Commission confirmed that AHL implementation priorities are already clear and also that fight against rabies is indeed a priority but the key element in that fight is the EU-co-financed oral vaccination programmes for foxes which also go beyond the eastern borders of the EU.

3. Report on cats and dogs traceability: the EU Pet Passport and TRACES systems, Vier Pfofen

After the presentation the Commission pointed out that while it had several valid points, the problems are related to the implementation of rules, not to the fitness of the rules themselves. E.g. alleged shortcomings of the TRACES system are, in fact, related to the suboptimum performance (omission of duty, i.e. of official controls) of competent authority's official using the system. It is also related to omission by those operators who receive and accept non-compliant consignments of dogs. It is also to note that deaths due to non-regulated diseases and frauds on that area (e.g. falsified vaccine stickers) are beyond of the EU's competence and the scope of current or future rules in question. As regards ISO norms for transponders the Commission agreed to Vier Pfofen and regretted that the organisation responsible for the harmonisation did not provide for such, making it impossible to refer to such standards in EU legislation.

Vier Pfofen clarified that their comments aim to improve the TRACES system and wished same rules for dogs/cats as for farm animals. Issues such as animals seemingly vaccinated before their birth or unrealistic journey times should be picked up by the system. Also that Member States misjudging the application of Regulation (EC) No 1/2005 to dog consignments and they consider as non-applicable, contrary to Vier Pfofen. Vier Pfofen also considered that official vets are not sufficiently trained to control dog consignments.

The Commission confirmed that when dogs/cats are traded they are largely under the similar or same rules as farmed animals, they should not be considered as pets just based on species.

FESASS highlighted that AHL del/impl provisions should be well aligned with the provisions of the future Regulation on official controls and its del/impl acts. Also, that new situations occur (e.g. new kept species such as llamas) and legislation should cater for the developing needs of the sector.

FVE considered that false certification should be cracked down and claimed that the dog trade and the pet/trade interface is special, while crime is also prevalent in this lucrative sector. While regretted that EU has no more legal power to cater for societal needs as regards companion animals, it agreed that NGOs should do more to educate dog buyers.

UECBV considered that veterinary practitioners play significant role (age of puppies can be easily established) and NGOs should embark more on educating citizens, buyers.

Dog and Cat Alliance considered that official data is far from real figures, the size of the dog market is considerable and sadly sanctions for non-compliances or frauds differ between MS, some of those are quite small.

The Commission confirmed that the AHL will provide better legal basis to handle similar emerging issues and mentioned BTSF training on dog movements organised and financed by the Commission running since several years improving capacity of official vet services to do understand and implement rules and do checks. TRACES is an electronic system to support implementation of the rules but not meant to do many things asked for.

4. Update on the epidemiological situation of avian flu, lumpy skin disease, African swine fever and classical swine fever in the EU, SANTE G3

After the presentation the Commission further clarified the restrictions due to CSF on Romania and Bulgaria, that ASF has not spread from Sardinia to other part of EU, but rather from eastern neighbouring countries, as regards the LSD vaccine bank it is interesting case as the vaccine is a live attenuated used under specific derogations from Dir 2001/82/EC by the MS, a possible example to be followed for African horse sickness. Such vaccine bank is to cover only the very first period of the emergency situation though.

FESASS highlighted that the favourable ASF situation in domestic pigs is thanks to a large part to the efforts and sacrifices of the livestock keepers, many of them SMEs. As regard LSD they inquired about and promoted regional cooperation, asked about preventive vaccination strategies.

The Commission referred to the relevant provisions of Dir 92/119/EEC where the vaccination is a supplementary measure, although interpretation of this text with legal assistance is ongoing and confirmed regional cooperation promoted by the Commission.

EFFAB asked about bluetongue in France and also regretted that despite of the ASF being under control exports to Russia are restricted and asked about the recent meeting between Commissioner Andriukaitis and the Russian Agri Minister during the OIE General Session.

The Commission explained that the meeting at OIE was very high level trying to put the process back onto technical level with a hope of progress as some of the drivers for current situation are political. As regards BT some MS will vaccinate against BT this year as it is their responsibility to decide under current and accommodating legal framework. The Commission also gave a short update on the state of play of the official WTO SPS dispute settlement with Russia, favourable report is expected but it can be appealed against.

The Commission also briefly welcomed two horse organisations (FEI, IFHA) who participated for the first time providing hitherto missing expertise for racing and competition horses and which are active on a complex interface with special human-animal relationships specific movement of high-value animals ensuring their health and welfare, and also between food chain and high level competition and emotionally important companion animals, not unlike pet dogs.

FEI explained briefly some efforts by horse industry to work together with OIE on one hand and on the other with pharma sector to develop a live vaccine and diagnostics as well as evaluate existing vaccines for the fight against AHS, which they consider a serious threat.

The Commission agreed that AHS was a serious threat. Listed in Article 5 of the AHL and supported these efforts and indicated that it will continue cooperation with the horse sector on it.

5. Any other business: -