



MINUTES from the SUB-GROUP EXPERT meeting
"Official Controls on animals and goods (including plants) entering the EU:
Delegated and implementing acts under Regulation EU 2017/625"

27 February 2018, 09H30 – 18H00
Centre Albert Borschette,
Rue Froissart 36, Brussels

Chair: Andrea Gavinelli, Head of Unit, European Commission (COM)
Members: EU Member States (MS)
Observers: Norway, Iceland, EFTA secretariat.

TOPIC	BACKGROUND
<p>The COM presented the follow-up actions from previous meeting of the Member States' sub-group on 15.12.2017 concerning the implementation of the import chapter of the OCR for delegated acts. The COM presented also the state of play of the legislative initiatives related to OCR in DG SANTE.</p>	
<p>Derogations from certain Border Control Posts (BCPs) requirements: empowerments of articles 62.3, 64.2 and 64.5</p> <p>The COM clarified that the draft non-paper had been slightly revised to provide additional legal clarity in some of the articles and a more comprehensive explanation in some of the recitals. Those changes were not substantial. The COM explained that no reference is made to inspection centres in rules on BCP designation and the (partial) withdrawal of the designation, because the concept of inspection centres is not reflected in the OCR. The COM Legal Service advice on the matter therefore advised that such centres can thus neither be designated nor be the subject of a partial withdrawal of a BCP designation. The majority of MSs had no comments and agreed with the draft. The COM provided further clarifications on the wording of certain articles of minor importance</p>	<p>Draft working document distributed to MSs on 21.02.2018</p>
<p>Specific training requirements: empowerment of article 49.5</p> <p>The COM presented the consolidated version of the draft following the MSs and the COM Legal Service written comments. The revised version has also provided additional legal clarity in some articles and an exhaustive explanation in some of the recitals. Those changes were not substantial. After providing some minor clarifications, the COM informed that consultation will be launched with stakeholders (SANTE advisory group¹). The MSs agreed with the draft.</p>	<p>Draft working document distributed to MSs on 21.02.2018</p>
<p>Additional categories of products to be checked at BCPs (such as composite products, hay and straw): empowerment of article 47.3</p> <p>The COM presented its overall approach for the addition of composite products and hay and straw to the categories of goods provided in art. 47(1) point (b) of the OCR. This would essentially involve establishing import conditions under Article 126 of the OCR for the different categories of composite products and for hay and straw; a list of the relevant composite products, including their CN codes, under Art. 47(2)(a) of the OCR; and</p>	<p>Draft working document distributed to MSs on 21.02.2018</p>

¹ https://ec.europa.eu/food/expert-groups/ag-ap/adv-grp_fchaph_en

<p>exemptions from BCP controls for certain categories of composite products under Art. 48 of OCR.</p> <p>A limited number of MSs commented on i) the lack of information on the import conditions to be established; ii) the adequacy of adding a definition of composite products in the OCR by means of a delegated act; iii) the proposed definition of composite products (would cover more products than the definition in Regulation 853/2004); iv) the need for a definition of hay and straw; and v) whether further amendments were needed as a consequence of the addition of composite products and hay and straw to the categories of goods in Articles 47(1)(b) and article 55(2)(a) with respect to decisions on consignments.</p> <p>The COM replied that the possibility to add the definition of composite products in the OCR had been suggested by COM Legal Service and that it would consider the question raised by the MS.</p>	
<p>Specific rules for controls at BCPs (onward transportation, transit and transshipment): empowerment of article 51</p> <p>The COM presented initial thinking of the issues which should be covered in the new delegated act. In relation to the phytosanitary transit (transit/transshipment) controls of plants and plant products, five Member states expressed their concerns regarding 100% documentary checks at BCPs. These MS would not be keen to use the derogation provided in Art.51.2 or to reduce the frequency of documentary checks. One MS asked for interpretation and relationship of certain legal provisions related to Plant Health Law (Art.47, 72) and Official Controls Regulation (Art.51.1(e) and 53.1). The COM indicated that these issues will be clarified with the COM Legal Service.</p> <p>Several Member States expressed the need to clarify specific control provisions for transshipment of live animals and to exclude products of animal origin from transshipment controls if these consignments are destined to third countries. As regards onward transportation, one MS mentioned that today it is difficult for competent authorities to monitor if these consignments are not released into the market and suggested to address this issue. One MS mentioned problems getting pre-notifications for the consignments which are under onward transportation procedure.</p>	Ppt on-line
<p>Import conditions from <i>public health</i> perspective: State of play on articles 126, 127(2) and 90</p> <p>The COM updated briefly the MSs who had no major comments.</p>	Ppt on-line
<p>Update on the work on IMSOC</p> <p>The COM updated briefly the MSs who had no major comments.</p>	Ppt on-line
<p>Manifest and pre-notification: article 15(4) and 58(b)</p> <p>Taking into account the comment from MSs, the COM explained that specific requirements for operators to provide manifests to competent authorities at BCPs should be considered no longer necessary. The OCR rules on operator cooperation with competent authorities were adequate and sufficient for the purpose. One MS disagreed with this conclusion. A few MSs favoured "working day" to "24hours" to indicate the minimum time for the prior-notification of the arrival of consignments. MSs will submit further comments in writing.</p>	Draft working document distributed to MSs on 21.02.2018
<p>Border Control Posts (BCPs) facilities minimum requirements: article 64(4)</p>	Draft working document

<p>The COM presented a draft non-paper outlining detailed rules on BCP minimum requirements. In particular, the paper set out common detailed rules for all BCPs regardless of the categories of animals or food for which they had been designated, some derogations from those common detailed rules, and some requirements for specific categories of animals and goods. The COM also explained that in setting out those requirements had taken into account existing legislation (to be repealed) and tried to simplify current requirements as much as possible.</p> <p>Whilst MSs thought that the paper was an improvement from the annotated agenda presented at the meeting of 15 December 2017, they thought that the requirements were still too prescriptive, particularly for plant health. It was agreed that MSs would submit detailed comments to the COM by 16 March 2018.</p>	<p>distributed to MSs on 23.02.2018</p>
<p>List of animals and goods to be checked at BCPs (including CN codes): article 47(2)(a)</p> <p>There were no significant comments. Some MS asked for clarifications. These will be addressed bilaterally.</p>	<p>Draft working document distributed to MSs on 23.02.2018</p>
<p>Entry into the EU not through BCP (section I): traceability of animals and goods on which samples have not been taken: article 46.2</p> <p>The COM explained that the MS comments on the presentation given by the COM on 15 December 2017 suggest that the implementation of this empowerment is not a priority at this time. Therefore this project will not be further pursued at this point in time.</p>	<p>Summary of MS comments distributed on 21.02.2018</p>
<p>Implementing acts lay down the rules on the format, categories, abbreviations for designations and other information to be used by Member States in the lists of border control posts: article 60.(2)</p> <p>The COM delivered a brief presentation on a possible option to implement Art. 60(2). The presentation briefly illustrated the new proposed listing modalities which includes a facility for MS to enter relevant information into an IMSOC database. This information could then be used by MS to complete their own homepage and by IMSOC/TRACES. Differences between the current way of listing and the proposed new method were explained. MS welcomed the proposed method.</p>	<p>Ppt on-line</p>
<p>Operations to be carried out during and after documentary, identity and physical checks: article 52</p> <p>The COM presented its ideas on the interpretation of the empowerment by indicating which actions could be included and further detailed in an act (based on Art. 52 of OCR) considering similar provisions in currently applicable legal acts. It was highlighted that operations carried after documentary, identity and physical checks could not be those already addressed in other articles of the OCR, such as measures in case of non-compliance or penalties. It was agreed that MSs would submit detailed comments to the COM by 16 March 2018.</p>	<p>Ppt on-line</p>
<p>Conclusions of the meeting</p> <p>MSs can provide additional comments if necessary. MS agreed that the non-papers are sufficiently mature for the COM to start the internal procedure preceding the adoption of the relevant proposals. MSs were asked to submit written comments <u>by 16 March 2018</u>. The next COM working group will be held <u>on 27 April 2018</u>.</p>	