



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY

Veterinary and International affairs
Multilateral International relations

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NOTE FOR THE FILE

Subject: Minutes of the Expert Group on Veterinary Checks – 09.12.2014

**Present: All Member States except Cyprus and Poland
Iceland, Norway and Switzerland**

**Commission Personnel (COM): DG SANCO: Patricia Langhammer (G6), Bruno Saimour (G6), Izaskun El Busto Sanz (F5), Helene Klein (G2), Pierangelo Bernorio (G2), Didier Carton (G2), Kaido Kroon (G2), Stephen Curzon (E5)
DG TAXUD: Valérie Enjolras (B1), Matthias Reimann (A2)**

Introduction

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

DE asked if it would be possible to stop sending the monthly results of samples collected under the national monitoring plan to the Commission as requested in Annex II to Regulation (EC) No 136/2004 considering that these results are available in TRACES. COM answered that this could be considered for the future legislation, if it will be sure that all such results are recorded in TRACES, which is not the case at the moment.

1. REVIEW OF LEGISLATION

COM informed that reading and discussion of the draft Official Control Regulation (OCR) in the Council's Joint Working Party of Veterinary Experts (Public Health) and Phytosanitary experts continued. COM worked with the Italian Council Presidency and the Council Legal Service following the Working Parties on a revised version of the document. Trilogues are planned to start in April 2015 and the adoption is still planned by the end of 2015.

UK outlined concerns on the proposed listing of border control posts together with the CN codes of the products/animals which can be accepted for import controls. COM replied to be aware of the burden following this proposal, which will be reviewed.

2. RE-ENFORCED CONTROLS

COM gave a presentation of the re-enforced check regime (REC) in TRACES outlining current implementation issues. COM indicated that currently around 66 % of RECs are launched/proposed by MS and the remainder by COM, which are mainly based on market controls. This figure could increase if MS were more proactive regarding proposing RECs in such cases. In addition, COM reminded MS that:

- The CVEDs involved in a REC series must be validated as soon as the laboratory results are known. Waiting for the result of a counter-analysis is not a sufficient reason not to finalise a CVED as this blocks the whole process and penalizes importers whose consignments are being sampled in the meantime.
- It is not necessary to propose a REC when Salmonella/Enterobacteriaceae are detected in fish meal, as specific checks are foreseen in Annex X to Regulation (EU) No 142/2011.
- It is not recommended to test the REC consignments for a different hazard than the one requested by the REC. Therefore, if possible, multi-tests analysis should be avoided for the REC regime and should be limited only to national monitoring plans.
- The BIPs should be cautious with RASFF notifications that concern the application of national criteria (e.g. special guarantees about Salmonella in Finland and Sweden). Such notifications should not trigger a suspicion control based on Article 20 of Directive 97/78/EC.

DE asked if due to the deletion of Mexico for horse meat in the last amendment of the Annex to Decision 2011/163/EU the safeguard measure for Mexico (Decision 2006/27/EC) will be repealed and the establishment list will be deleted. COM replied that the latest audits carried out by the FVO in Mexico have confirmed serious shortcomings in the capacity of the Mexican authorities to guarantee the absence of prohibited substances in horse meat, which led to the removal from the list of approved residue control plans for equines. However, in such cases it should be clear that importation of horse meat from Mexico is not possible and there is no need to repeal a specific safeguard measure or to delete establishments.

DE questioned if the increasing number of unfavourable results in fishery products from Vietnam would result in the adoption of a specific safeguard measure. COM answered that this is being considered following the FVO audit that took place in Vietnam in September 2014 to evaluate the control system for the production of bivalve molluscs and fishery products during which several deficiencies were identified. The Vietnamese authorities were requested to provide an action plan addressing all deficiencies and in the light of this action plan, COM will decide on the necessity of protective measures for the MS.

COM informed that certain third countries complained about the decision for destruction of non-compliant fishery products contaminated with heavy metals. The residue content of the relevant consignments were found to be above the MRL laid down in EU

legislation (1 mg/kg) but below the MRL laid down by CODEX (2 mg/kg). According to Article 19(2) of Regulation (EC) No 882/2004, consignments must be destroyed if they are injurious to human health. COM advised that in cases where the level of heavy metals is below the threshold defined by international standards, it could be difficult to justify that the products are injurious to human health, especially if the case is brought to the WTO. Therefore COM recommended to MS to accept in such cases re-dispatch of the relevant consignments.

UK enquired about the trends/patterns related to products/hazards in the REC regime due to the data collected during nearly 3 years and COM promised to prepare an overview of the major trends for the next WG.

3. DRAFT REGULATION FOR INTRODUCTION OF ANIMAL PRODUCTS TO EXPO 2015

The draft Regulation (SANCO/12230/2014/CIS)¹ regarding the introduction of non-compliant animal products to EXPO 2015 in Italy had been circulated to MS and was presented in the *Standing Committee on Plants, Animals, Food and Feed* on 05.12.2014, in which MS explained, they would need more time for an opinion.

COM explained that the draft Regulation details the type of products for which a derogation from public health import requirements can be applied and the special conditions for the introduction of such products into the EU. Specific monitoring and channelling procedures under sanitary and customs legislation will be put in place to ensure that the end use of these products will be at EXPO 2015.

Some MS draw COMs attention to some inconsistencies in the draft, which need to be considered for the version presented for vote in the next *Standing Committee on Plants, Animals, Food and Feed*. IT expressed satisfaction with the document and confirmed that additional information, such as the lists of participating third countries and authorized customs warehouses will be available on their national website.

COM clarified that this draft Regulation represents a huge and long effort from the different services, DG SANCO, DG TAXUD, Legal Service and Italian authorities. Therefore it is not expected to renew the experience for future international exhibition. EXPO 2015 is a special, long and a Universal Exposition, and this legal act must be regarded as unique and exceptional. DG TAXUD will present the Regulation in their next customs working group planned to take place on 26.01.2015 to ensure that customs in MS are informed accordingly.

4. TRACES ISSUES

ES asked to include CN code 9930 for consignments destined for ship supply in TRACES and COM replied that TRACES TNT will cater for that code.

Other issues regarding this point were postponed to the next meeting.

¹ The draft Regulation was voted favourably by MS in the *Standing Committee on Plants, Animals, Food and Feed* on 16 December 2014.

5. MODIFICATIONS TO THE ANNEXES TO CVEDS IN TRACES

COM had distributed the draft documents and the minutes of their discussion in the TRACES Working Group on 25.09.2014 to MS and some MS had provided already written comments. The detailed discussion started with the CVED/CHED for products and various MS commented in detail to boxes I.5, I.7, I.9, I.16, I.29, II.3, II.6, II.16, II.17, II.19, II.20 and III.2. COM took note of the comments and informed that these modifications could be in place by the end of 2015. It is planned to adopt them as an amendment to Annex I to Regulation (EC) No 136/2004.

COM continued with the detailed discussion of the CVED/CHED for live animals, which would be implemented as an amendment to Annex I to Regulation (EC) No 282/2004. MS outlined concerns for box I.7 as for pet animals and registered horses there is not always a person responsible located in the EU but the person would be located in the third country of origin. Comments were provided to box I.28 and partial rejection of animals should be considered in future.

In relation to the update of the import certificate notes, the new import conditions for pet animals should be considered. COM took note of all comments and will consider them appropriately.

6. TAXUD ISSUES

COM (DG TAXUD) explained that the pilot project of the Single Window-CVED (SW-CVED) is progressing. Currently eight MS participate in the pilot and CZ passed already successfully the test phases for the automated exchange of CVED-information with the relevant customs authorities. COM outlined that it is of utmost importance to use the CVED numbers as appearing in TRACES on the hard copies of the CVEDs, which accompany the consignments and which are usually presented to the customs office for customs clearance. Any automated exchange system will not be able to retrieve the correct CVED from TRACES if the individual identification number provided by TRACES is not used for every CVED.

COM (DG TAXUD) reported that during the 2nd half of 2015 the Single Window Project Group (SWPG) had developed an Option Paper, which is outlining 6 options for the implementation of a Single Window to exchange information on imported consignments. The SWPG has expressed preferences for options 2 and 3, which centralise at Commission level the automated exchange and acceptance of results of import controls with TRACES on entry documents such as CVED/CED and additional documents from other DGs, such as the Certificate of Organic Inspection (DG AGRI). The SWPG recommends taking into account the present links of IT systems from public and private sectors in the area of Single Window for future phases, e.g. links with IT systems from Port Communities. The Option Paper will be presented to the management of DG TAXUD in February 2015 to decide on the favorite option to be pursued in future. A similar decision needs to be taken within DG SANCO as the two DGs need to work very closely together to prepare the implementation of the option chosen as outlined in Chapter 8 of the Option Paper.

COM (DG TAXUD) informed of the outcome of the High Level Seminar in Venice in October 2014 which concluded the co-ordination of national single windows at EU level is necessary. This and other conclusions such as the need for data harmonization were laid down in the Venice Declaration, which invites the Commission and the MS to consider the preparation of a work plan to enable the start of the phased implementation of the EU Single Window Environment for Customs. The Venice Declaration was presented on 04.12.2014 to the Customs Union Working Party, which agreed to present the Declaration to the Council on 15.12.2014 for their formal adoption

COM (DG TAXUD) informed of the development of fact sheets regarding the prohibitions and restrictions for import controls on animals, animal products, feed and food of non-animal origin under the responsibility of the PARCS. As this group is promoting co-operation among the authorities carrying out import controls, they are looking to the possibility to finance customs experts the presence in other meeting, such as the veterinary check working group or the Art. 15-working group².

UK welcomed these initiatives for improving co-operation with customs and informed that their customs system is now connected with TRACES. However, they would like to see more alignment of the classification of products with the CN codes, as there are some problematic areas. COM (DG SANCO) referred to a new positive list based on the draft OCR, which will need to be developed in close co-operation with DG TAXUD, in particular for the products of non-animal origin and which could help to solve some of the existing problems.

7. DRAFT GUIDANCE DOCUMENT COMPOSITE PRODUCTS

COM informed that the draft guidance document on composite products has been presented for interservice consultation to other Directorate-Generals and comments were provided back to DG SANCO. Following these comments, some alignment with the "Guidance document certain key questions related to import requirements and the EU rules on food hygiene and official food controls"³, which was updated last year, and with the "Guidance document on the implementation of certain provisions of Regulation (EC) No 853/2004 on the hygiene of food of animal origin"⁴ is necessary to avoid duplication of information.

In addition, some editorial work was considered to be necessary to improve the readability of the document and to avoid repetitions. As soon as the necessary changes have been done and the relevant Directorate-General has agreed, the draft guidance document will be presented for agreement in one of the upcoming *Standing Committees on Plants, Animals, Food and Feed*.

² DG TAXUD informed after the WG that they have received confirmation for the financial programme "Customs 2020" under which participation of customs experts to other expert groups will be possible.

³ Published on:

http://ec.europa.eu/food/safety/international_affairs/trade/docs/interpretation_imports.pdf

⁴ Published on: http://ec.europa.eu/food/food/biosafety/hygienelegislation/guide_en.htm

COM informed MS that the FVO has created several cross unit projects, one of them dealing during the next two years with composite products. FVO presented the project in more detail and outlined the challenges of the project as different competent authorities in each MS would be involved in the preparation of the audits and in carrying out the audits. FVO announced to send a questionnaire to MS regarding the official controls on production and import of composite products and informed MS that their replies will be used to determine the scope of the audits and to target the MS to be audited. FVO presented three general questions, which will be forwarded after the meeting to MS for their feedback.

DK stated one of the challenges is the identification of those composite products, which need to be presented to BIPs. Another would be the documentation necessary to ensure that the processed products of animal origin used in the composite products are fulfilling import controls. A proper risk evaluation is necessary for each case and the questionnaire should refer to proper examples.

DE outlined that MS together with COM are working since 2 years on the draft guidance document for composite products and MS would like to collect at first some experience once the guidance document is agreed and enforced. It would be premature to consider changes to the document at this stage.

COM explained that the draft guidance document is mainly addressing import controls, while the FVO project is addressing mainly controls during production of composite products. Any changes to the draft guidance document following the interservice consultation would be editorial changes but no changes to the substance of the document.

8. DRAFT AMENDMENT TO DECISION 2007/275/EC

COM asked MS for their proposals and postponed the point to the next meeting.

9. MISCELLANEOUS

a) Update on controls on NATO consignments

Due to time constraints COM postponed the point to the next meeting.

b) Update of BIP list

COM informed that the last update to the BIP list was published on 10.10.2014 as Implementing Decision 2014/704/EU. Currently COM has received requests for changes to the BIP list from Germany, Latvia, Spain and the Netherlands.

For future updates, COM reminded MS to use the attached 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:

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



Any proposals should be sent by the end of 2014 to enable COM to prepare a new Decision updating the BIP list at the beginning of 2015.

c) Triangular trade/transfer of fishery products

COM prepared draft documents regarding the transfer of fishery products caught/frozen/processed by vessels flying a Member State flag (fishery products of EU origin) in third countries. Those products are unloaded from EU vessels in third countries, with or without storage in approved cold stores, before their subsequent transport to MS.

COM consulted with their legal advisers and it is necessary to prepare two drafts as there are different legislative procedures involved. There will be one Implementing Regulation for the specific health conditions (new model certificate which will be included in the Annex to Regulation (EC) No 2074/2005) and one Implementing Decision for the specific veterinary checks to be carried out in BIPs.

The new model certificate will consist of the first part according to the current health certificate for fishery products and the second part certifying the operations carried out in the relevant third country. It will be signed by the competent authorities of the third country and will give all the relevant information: hygienic unloading, hygienic manipulation, storage in approved establishment, number of customs document T2M.

Fishery products of EU origin accompanied by this certificate will enter into the EU through a BIP. By way of derogation from Directive 97/78/EC, the consignments will not be submitted to identity and physical checks, which may be carried out at destination by the local authorities. By way of derogation, they will not result in registration in TRACES and issuance of CVEDs. However, the BIPs will inform the local authorities at the place of destination by fax or by mail.

Several MS commented that they would support a registration in TRACES, considering that communication through the computerised system would be more efficient than sending a fax or an email. In addition, it would be the easiest way to deal with the pre-notification and the issue of the CVED. DK appreciated the proposal and raised the possible necessity to include EU fish landed in Russia and for example transported by road to the EU. COM asked MS to verify with their road BIPs, if such movement exists.

ES was satisfied with the proposal and asked for the time line. COM replied it would be difficult to preview a time line as the two proposals need to be processed together, however, there are different legal adoption procedures necessary.

COM concluded that MS are welcome to send further comments by mid-January 2015.

d) Fraudulent health certificates for fishery products from KZ

COM reported that during a recent audit on fishery products in Kazakhstan the FVO noticed that consignments were exported with potentially fraudulent EU certificates, which could represent up to 50% of the 6000 tons of fishery products (frozen freshwater pike-perch fillets) exported annually to the EU according to a preliminary assessment. These consignments originate from non-approved production facilities but were certified (probably by Kazakhstan) as eligible for export to the EU. The Kazakhstan competent authorities have confirmed some fraudulent EU certificates and they investigate this issue within their country.

COM informed MS (e-mail of 13.11.2014) that import consignments of fishery products arriving with veterinary certificates from Kazakhstan, which **start with the number “KZ No 15-01...”** as in the example below have been found to be falsified. MS should send a scanned version of such certificates presented for import consignments in the past to the following e-mail address moldybayev.d@minagri.gov.kz and in copy to SANTE-CONSULT-G6@ec.europa.eu, to help the competent authorities in Kazakhstan to investigate the cases.

In addition, COM informed that consignments for fishery products presented for import into the EU with a certificate starting with “KZ No 15-01...” should be detained at the border and a scanned version of the certificate should be sent to the contact point in Kazakhstan (moldybayev.d@minagri.gov.kz) to ask for verification of the authenticity/falsification of that certificate. Nonetheless, a thorough check of the relevant consignment should be carried out, including a full identity control to ensure that no other products are hidden in the container/truck/packages. COM is also interested in the identification mark which should appear on the labelling. In addition, COM would like to know, for such consignments, if the laboratory pre-export controls for the presence of certain microbial, heavy metal or other contamination have been carried out and if the relevant results are attached to the health certificate. In case of non-compliant consignments found, procedures (destruction/special treatment/re-dispatch) provided for in Article 19 of Regulation (EC) No 882/2004 are applicable.

There were no remarks from MS and COM concluded that currently there is no need for specific safeguard measures to be adopted as the communication system set up with the competent authority in Kazakhstan is working well and the Kazakhstan contact sends scanned versions of the import certificates for fishery products directly to the entry BIP concerned.

e) Animal health certificate for non-commercial movement of pet animals

COM explained that certain non-EU countries raised problems with the implementation of the five-day period between the movement of the animal and that of its respective owner. That period also applies to non-commercial movement into a Member State from another. The legal basis for this provision is provided for in the preamble of Regulation (EU) No 576/2013. Although that legal basis seems weak, it however constitutes an indication given by MS of their wish to limit the time between both movements. For that reason the removal of the five-day period in the animal health certificate and the owner’s declaration laid down respectively in Part 1 and Part 3 of Annex IV to Regulation (EU) No 577/2013 might not receive a legal support.

COM clarified as well that when the five day requirement cannot be complied with, pet animals must comply with the relevant provisions of Directive 92/65/EEC and *inter alia* originate from registered establishments in MS or in third countries. This provision causes trouble to certain third countries that claim that household keeping pets are not registered.. COM drew MS attention to the explanation to Box I.11 in the certificate laid down in the Annex to Implementing Decision 2013/519/EU which refers to the approval or registration number of the establishment of dispatch.

signed
G6 – Import Controls

Encl: Agenda
List of distributed documents

Cc: Experts in 28 MS, Norway, Iceland, Switzerland, Faroe Islands + ESA, B. Van Goethem, M. Flueh, M. Scannell, B. Gautrais, T. Gumbel, C. Garau, L. Terzi, A. Laddomada, 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, A.E. Füssel, B. Logar, M. Klemencic, J. Baele, S. Curzon, G. Balkamos, L. Battistini, I. El Busto Saenz, M. Dodic, M. Cronin, T. Theoharis, J. Maciulyte, B. Janackova, O. Prunaux, K. Bar-Yaacov, V. Enjolras, M. Reimann, M. Wils, G. Jennes, Unit G6.

**EXPERT GROUP ON VETERINARY IMPORT CONTROLS LEGISLATION
“VETERINARY CHECKS”
09 December 2014**

– AGENDA –

- 1) Review of legislation
- 2) Re-enforced controls
- 3) Draft Regulation for introduction of animal products to EXPO 2015
- 4) TRACES issues
- 5) Modifications to the Annexes to CVEDs in TRACES
- 6) TAXUD issues
- 7) Draft Guidance Document Composite products
- 8) Draft amendment to Decision 2007/275/EC
- 9) Miscellaneous
 - a) Update on controls on NATO consignments
 - b) Update of BIP list
 - c) Triangular trade/transfer of fishery products
 - d) Fraudulent health certificates for fishery products from KZ
 - e) Animal health certificate for non-commercial movement of pet animals