



EUROPEAN COMMISSION  
DIRECTORATE GENERAL FOR HEALTH AND FOOD SAFETY

Crisis management in food, animals and plants  
Unit G.3 Official controls and eradication of diseases in animals

**Minutes from the Expert Sub-Group meeting with Member States  
"Official Controls on animals and goods (including plants) entering the EU:  
Delegated acts under Regulation EU 2017/625"**

Thursday 11 October 2018, 09H30 – 12H30

**Chair:** Andrea Gavinelli, Christian Juliusson, European Commission (COM)

**Members:** EU Member States (MS): AUT, BEL, CYP, CZE, DEU, DNK, ESP, EST, FIN, FRA, GBR, HRV, HUN, IRL, ITA, LTU, LUX, LVA,MLT, NLD, POL, ROU, SVK, SVN, SWE

**Observers:** CHE, NOR

|   | TOPIC   | BACKGROUND   |
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|   | <p>COM opened the meeting.</p> <p>The minutes from the Expert Sub-Group meeting on 10 September 2018 were approved by the MS.</p>   |  |
| 1 | <p><b>Rules for specific official controls and for measures to be taken following the performance of such controls – Ship supplying: empowerment of Article 77(1) (c)</b></p> <p>COM presented a draft delegated act.</p> <p>The discussion that followed mostly revolved around the provisions concerning the status of special warehouses, the possibility of splitting the consignments and the sealing of consignments. Questions were also raised on the consignments that missed the vessel and on the confirmation of arrival at destination since several MS indicated that it imposes a specific task for the competent authority at destination.</p> <p>COM provided clarifications to the questions raised by the MS. More specifically, COM clarified that the splitting of consignments is laid down under Article 11 of delegated act established under Article 51(1); the same also applies for the sealing of consignments; and as for the special warehouses used for temporary storage before loading to vessels that it will be clarified with colleagues from DG TAXUD.</p> | <p>Draft document shared with Member States ahead of the meeting</p>   |
| 2 | <p><b>Animals and goods exempted from official controls at border control posts: empowerment of Article 48</b></p> <p><b>Rules for specific official controls and for measures to be taken following the performance of such controls: remaining empowerments of Article 77(1)</b></p> <p>COM presented a draft discussion paper, but due to lack of time only certain paragraphs of the Articles concerned were assessed and commented by the MS.</p> <p>In particular, as concerns Article 48, paragraph (a), several MS underlined the importance of maintaining the requirement of prior authorization from MS.</p>   | <p>Discussion paper shared with Member States ahead of the meeting</p> |

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|                 | <p>Furthermore, as concerns Article 48, paragraph (b), points were raised by several MS, mainly highlighting the importance of exempting live animals intended for research (e.g. insects) from border controls.</p> <p>On plant health, many MS highlighted the need to make reference to the derogations foreseen under Article 48 of Regulation 2016/2031 for scientific material. COM explained that the current policy choice for that material is to have no derogations from BCP controls.</p> <p>COM provided clarification to the MS questions raised and noted the MS comments and suggestions.</p>  |  |
| <p><b>3</b></p> | <p><b>Official controls not performed at border control posts: empowerments of Article 53(1) (a)</b></p> <p>COM presented a draft delegated act highlighting the new aspects compared with the current legislation, explaining that Directive 104/2004/EC on plant health , as well as Regulation 669/2009 on the increased level of controls on imports of certain feed and food of non-animal origin and Regulation 884/2014 (aflatoxins) and other emergency measures concerning such feed and food will be repealed.</p> <p>Several MS indicated that consignments have to remain under customs surveillance.</p> <p>Two Member States expressed the views that the conditions for monitoring the transport and arrival of consignments to the control point should be those laid down under Article 77 (2) of the OCR, and that this draft delegated act should only refer to such requirements. The Commission explained the reasons for the chose approach not to rely on Article 77 (2) of the OCR.</p> <p><b>As regards requirements concerning goods referred to in point (c) of Article 47 (1) OCR</b>, many MS expressed their preference to have a long lasting agreement between the two competent authorities at entry and at destination, instead of an ad hoc agreement that has to be provided for each consignment. COM took note of the comments and explained that a possible ad hoc agreement through IMSOC could be feasible and could also provide the necessary guarantee that the CA of destination is prepared to receive specific consignments which may require certain equipment and facilities to be set up.</p> <p>COM clarified that the current approved place of destination will be called control points. The control points authorized for performing plant health checks or checks on certain feed and food of non-animal origin will be published pursuant to Articles 53(2) and 60(1) of the OCR and the implementing act under Article 60(2) of the OCR and entered in IMSOC. Such control points must comply with the minimum requirements for BCPs laid down in Article 64(3) of the OCR and in the implementing act pursuant to Article 64 (4) of the OCR.</p> <p><b>As regards the provisions concerning certain feed and food of non-animal origin</b> comments concerned: the need to clarify whether it is appropriate to request the operator to select in advance whether it opts for a transfer to a control point, given that not all consignments are subject to identity and physical checks; the need to allow the CA at the BCP to decide in certain cases that a consignment should be moved to a control point independently of a</p> | <p>Draft document shared with Member States ahead of the meeting</p> |

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|                 | <p>request from the operator (e.g. in the case where it does not have the necessary capacity at the BCP); provisions concerning applicable custom procedures; clarifications in Article 5 (2) on the obligation of the CA at the control point to notify that the consignment has not arrived within 30 days and the need to be more specific as regards the role of the custom authorities.</p> <p>COM responded and provided clarifications on the points raised and invited Member States to send their comments within the given deadline.</p>   |  |
| <p><b>4</b></p> | <p><b>Specific rules for official controls at border control post – Onward transportation: empowerment of Article 51(1) (a)</b></p> <p>COM presented a draft delegated act.</p> <p>In the discussion that followed, several MS asked for several clarifications. More specifically, several MS questioned whether it is appropriate to maintain both transport conditions: transport of consignment "without delay" and within a period of 30 days from the BCP to the onward transportation facility.</p> <p>One MS commented on the approval of facilities and another MS pointed out that requirements should be laid down for the registration of feed establishments.</p> <p>One MS made a comment concerning the fact that the competent authority at the destination will have to take measures in case of non-compliance of a consignment, including to destruction of re-dispatch, based on a decision of a competent authority in another MS and requested clarity on the legal basis for the competent authority at the final destination to take action.</p> <p>COM provided clarifications on the points raised. It also indicated that Article 6 regarding information on establishments in IMSOC will be amended to cover all establishments and that this draft is intended to be bundled with delegated act established under Article 51(1).</p> <p>COM will consider expanding the scope also for plants under emergency measures (Article 47(1) (e)).</p> | <p>Draft document shared with Member States ahead of the meeting</p> |
|                 | <p><b>Conclusion, end of the meeting</b></p> <p>COM invited the MS to submit written comments on the matters addressed at the meeting by 25 October 2018.</p>  |  |



**Minutes from the Working Group meeting with Member States**

**"Official Controls on animals and goods (including plants) entering the EU:  
Implementing acts under Regulation EU 2017/625"**

Thursday 11 October 2018, 14H00 – 17H30

**Chair:** Christian Juliusson, European Commission (COM)

**Members:** EU Member States (MS): AUT, BEL, CYP, CZE, DEU, DNK, ESP, EST, FIN, FRA, GBR, HRV, HUN, IRL, ITA, LTU, LUX, LVA,MLT, NLD, POL, ROU, SVK, SVN, SWE

**Observers:** CHE, NOR

|   | TOPIC   | BACKGROUND   |
|---|---|--|
|   | <p>COM opened the meeting.</p> <p>The minutes from the Working Group meeting on 10 September 2018 were approved by the MS.</p>  |  |
| 1 | <p><b>Suspicion of non-compliance and intensified official controls: empowerment of Article 65(6)</b></p> <p>COM presented a draft implementing act.</p> <p>MS agreed to the scope of the act and were generally happy with the draft text, and the principles upon which it is based, with two exceptions:</p> <ol style="list-style-type: none"> <li>1) The word "successive" should be deleted from Article 4 (1) (a), and</li> <li>2) after the successful completion of imposed checks, normal checks should start to apply again (not intensified controls as suggested by COM).</li> </ol> <p>COM will take this into consideration when revising the draft act.</p> | <p>Draft document shared with Member States ahead of the meeting</p> |
| 2 | <p><b>Specific official controls – Model official certificates: empowerment of Article 77(3) (a)</b></p> <p>COM presented the preliminary ideas for this implementing act on the issuance of model official certificates in line with Article 77(1) (c) and welcomed the suggestions and feedback from the MS.</p> <p>Several MS suggested to merge the CHED and the delivery attestation, and to gather the heterogeneous consignments under a unique, new CN code.</p> <p>COM provided clarifications on some of the points that were raised by the MS.</p>   | <p>Draft document shared with Member States ahead of the meeting</p> |

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| <p><b>3</b></p> | <p><b>The functioning of IMSOC (and the format of the CHED): empowerment of Article 134</b></p> <p>COM presented a draft implementing regulation on the functioning of IMSOC.</p> <p>The discussion that followed revolved around the implementation of IMSOC and on clarifications of several relevant matters, such as the format of the CHED and the different electronic signatures.</p> | <p>Draft implementing regulation with Member States ahead of the meeting</p> |
|                 | <p><b>Conclusion, end of the meeting</b></p> <p>COM invited the MS to submit written comments on the matters addressed at the meeting by 25 October 2018.</p>  |  |