

Minutes of the meeting of the expert group held on 30 November 2018 to discuss the delegated acts on Parts II, III and V of the Animal Health as they relate to aquatic animals

1. APPROVAL OF THE AGENDA

A preliminary agenda was circulated in advance and agreed at the beginning of the meeting. The working documents on Parts II, III and V of the Animal Health Law were provided to Member States in advance.

2. NATURE OF THE MEETING

The meeting was non-public. The Member States' and EEA countries' representatives from competent veterinary authorities participated in the meeting. The Chair noted that neither the European Parliament nor the Council were represented in the meeting.

3. INTRODUCTION

Three presentations were made by the Commission.

Those were as follows:

- A. Presentation of amended articles of the delegated act on Part III of the Animal Health Law concerning control measures for Category A diseases in aquatic animals which had previously been discussed at the October 9th expert group meeting and which had been edited subsequently to take account of comments and written feedback from Member States as well as internal deliberations.
- B. Presentation of the amended draft on “aquatic” provisions related to delegated act on Part V of the Animal Health Law, covering entry into the Union. This topic had previously been discussed at the October 18th expert group meeting and which had been edited subsequently to take account of comments and written feedback from Member States as well as internal deliberations. This presentation covered both general provisions from Part I of the draft delegated act as well as aquatic specific articles from Part V of the draft delegated act.
- C. Presentation of the amended draft on aquatic provisions related to the delegated act under Part II of the Animal Health Law covering surveillance, eradication and disease freedom which had previously been discussed at October 18th expert group meeting and which had been edited subsequently to take account of comments and written feedback from Member States as well as internal deliberations. The presentation covered articles relating to eradication programmes for category C diseases of aquatic animals, compartments and disease freedom and measures required to maintain disease freedom.

4. CONCLUSIONS/RECOMMENDATIONS/OPINIONS

The main outcome of discussions which took place at the expert group is as follows:

4.1 **The first presentation from the Commission regarding the delegated act on Part III of the Animal Health Law; Control measures for Category A diseases, resulted in several comments and requests for clarification:**

- a) Clarification was sought as to the category of Animal By- Products the animals which are killed or slaughtered for human consumption under a disease eradication programme, fit into. Clarification was also sought in relation to the rules which apply to mollusc shells with meat. The Commission undertook to determine if any changes to the text are necessary to clarify those issues.
- b) Clarification was sought in relation to eradication measures in wild populations and whether there is any potential conflict between the delegated act and existing environmental legislation. The Commission responded that the delegated act will be subject to Inter-Service consultation at which point any potential cross over with legislation which pertains to other sectors will be highlighted and dealt with.
- c) The extension of disease control measures to all establishments within a given compartment when infection is suspected was queried by a number of Member States. The Commission undertook to reflect on this matter.
- d) The issue of whether clinically healthy animals may leave an infected establishment and be placed on the market for human consumption was discussed. Some Member States supported this approach whilst others did not. The Commission will reflect further and also compare with provisions for category A diseases of terrestrial animals.
- e) It was clarified that the steps which will need to be taken by competent authorities in terms of sample collection, testing, etc. will be outlined in an Annex to this part of the delegated act. This annex will be available for discussion at upcoming expert groups.
- f) It was requested that the provisions to be applied to establishments in the protection zone should be as broad as possible so that measures may be taken in relation to species which are not listed, if this is deemed to be necessary by the competent authority. Similarly, the epidemiological enquiry should not be confined solely to aquaculture animals of listed species.
- g) There was disagreement from Member States in relation to the article which currently states that all listed species should be removed from establishments in the protection zone by a date to be agreed with the competent authority. The Commission undertook to reflect on the provisions of this article.
- h) Re-ordering of certain articles in the section dealing with disease control measures in the protection zone was requested. It was suggested that re-ordering would provide greater clarity to the section in general. The Commission will consider this request when amending the draft delegated act.
- i) There was some discussion in relation to the measures which apply if a Category A disease is detected in wild animals. It was requested that these provisions should be as flexible as possible and should also cover aquatic

animals of non-listed species. The Commission will reflect on this input in the further development of the delegated act.

4.2 The second presentation from the Commission regarding the delegated act on Part V of the Animal Health Law - entry into the Union, resulted in some comments and queries.

4.2.1 Articles on general rules

There were concerns regarding two issues:

- a) Concerns were raised about entry into the Union if the third country or territory of origin has decided not to implement national measures or conduct an eradication program for a relevant listed disease. It was suggested that the wording of the draft should be amended to deal with such situations.
- b) It was asked if gastropods, tunicates and echinoderms are covered by the definition of aquatic animals in the Animal Health Law.

The Commission will consider those issues in the further development of the relevant provisions.

4.2.2 Articles on aquatic animals and their products.

- a) The wording of the draft should be amended to ensure it is clear that the provision in relation to vaccination applies solely to diseases which are listed as Category A, B or C.
- b) There was a question about the need to regulate the entry into the Union of live crustaceans entering for further processing (cooking) before retail sale. The Commission will reflect on this issue.
- c) It was suggested to include wording which will ensure that ornamental aquatic animals must be dispatched directly to the final destination after entry into the Union.
- d) Satisfaction was expressed in relation to the new Annex 2 concerning vectors. It was commented however, that it is not sufficient that vectors are not currently present in the establishment of origin at the time of dispatch to the Union, rather that they have not been there recently either.

4.3 The third presentation from the Commission regarding the delegated act under Part II of the Animal Health Law regarding surveillance, eradication and disease freedom, resulted in some comments and queries.

At the beginning of the presentation the Commission made it clear that “category III” establishments would not be covered during discussions but would be dealt with comprehensively at the next expert group meeting to be held on 09 January 2019.

4.3.1 Articles on eradication

Amendments made since last expert group meeting were presented.

- a) Some concerns were raised about allowing movements from infected establishments to other establishments which are not implementing an eradication programme for that specific disease. The Commission responded that the current legislation allows for such movements provided they do not

jeopardise the health status of the Member State, zone or compartment of destination.

- b) Clarification in relation to the categorisation of the Animal By-Products from establishments under disease control programme was requested. If necessary, the Commission will clarify this issue in the next draft of the text.

4.3.2. Articles on compartments

The revised proposals for assessment of dependent compartments were discussed and in general welcomed by Member States.

- a) One Member State argued that dependent compartments should not be classified as “high risk” in the framework of general surveillance, but several Member States disagreed with this view.
- b) There were comments on the provision with regard to the period of exposure before testing re-stocked animals after a disease outbreak in an independent compartment which consists of a single establishment. One Member State claimed that this period should be determined by the competent authority on a “case by case” basis, whilst another Member State claimed the provision regarding testing is redundant. The Commission reminded Member States that this period and the related conditions were recommended by the EURLs with responsibility for fish, molluscs and crustaceans. The Commission asked Member States to provide written comments on the articles on compartments for further consideration.

5. NEXT STEPS

The Commission invited experts to provide written comments by 10 December 2018. Presentations given in the meeting have been circulated.

6. NEXT MEETING

The next meeting regarding various Delegated Acts as they relate to aquatic animals is scheduled for 9 January 2019.