

Summary of the meeting of the expert group on possible amendments to Delegated Regulation (EU) 2020/688 as regards a number of issues

E00930

on 20 March 2023

hybrid meeting

1. Approval of the agenda

The agenda was as circulated prior to the meeting as part of the invitation. An issue concerning some practical difficulties of implementing the rules in Commission Delegated Regulation (EU) 2020/688 on pre-movement surveillance and testing of camelids for infection with MTBC was raised by an expert, under any other business.

2. Nature of the meeting

The meeting was non-public. The meeting was organised hybrid (physically Brussels, CCAB room 2A) while the remote experts of the competent veterinary authorities of Member States (incl. EEA etc.) attended it via the WebEx platform. The Chair noted the absence of the European Parliament and the Council. Circulated draft: PLAN/2023/596.

3. List of points discussed

3.1. Introduction

The Commission recalled that the purpose of the meeting was to discuss possible amendments to Delegated Regulation (EU) 2020/688 and was largely driven by a recent position paper from Spain and subsequent discussion with, and request from, the Chief Veterinary Officers of the Member States on infection with epizootic haemorrhagic disease virus (EHDV), due to recent outbreaks in the Union, for the first time ever. The Commission confirmed that the EHD rules can be fine-tuned and make more proportionate, inspiration can be taken from EU animal health rules on bluetongue (with notable limitations and exceptions) as requested by the CVOs, but no delisting of infection with EHDV is possible by this initiative, neither legally, nor scientifically: different legal instrument, necessary data, EFSA assessment etc. Another significant driver is linked to movement of captive birds to exhibitions in other Member States and further movements as signalled by stakeholders. Due to these, timely progress is a priority.

To assist that, the relevant draft was circulated well in advance of the meeting.

3.2. Exchange of views as regards possible amendments to Delegated Regulation (EU) 2020/688 supplementing Regulation (EU) 2016/429 in relation to animal health requirements for movements within the Union of terrestrial animals and hatching eggs.

3.2.1. EHD rules

The Commission explained the proposed regulatory changes to address the first notifications of the disease in the EU (November 2022). The current approach for movements of listed species is the absence of outbreaks in the previous two years before

the movement in a 150 km radius of the establishment. This condition does not apply to animal intended for direct slaughter.

The proposed approach keeps this condition but adds other possibilities in the case of presence of outbreaks in the two years before the movement in a 150 km radius of the establishment:

- the animals can be moved if they have been kept in a seasonally EHD free area or in a vector protected establishment for a given period of time and tested in certain circumstances; or
- the animals can be moved, with no EHDV conditions if the Member State of destinations agrees, inform other Member States and the Commission and accept animals under those conditions from any Member States

Several experts thanked the Commission for these new possibilities but also raised the following points:

- In their experience, EHDV is causing very low mortality and morbidity: therefore, the disease should be delisted from Regulation 2016/429
- Small ruminants do not play a role in the spread of the disease and EHD measures related to their movements should be downgraded, if any.

The Commission explained that the disease and species listed as susceptible were subject to a thorough assessment during the drafting of the AHL and delegated acts and the information received at this stage does not indicate the need to change the status of the disease and listed species.

3.2.2. Diagnostic methods for bovine viral diarrhoea

The Commission briefly explained that the proposed authorisation to use virus neutralisation test in an alignment to current WOH international standards.

3.2.3. Movements of captive birds after exhibitions

The Commission explained that in the current text, captive birds which have been moved to an exhibition in another Member State (MS) can only be moved back to their MS of origin or stay in the MS of the exhibition. The proposed amendment provides the legal possibility to move captive birds from the exhibition to a third MS: a new certificate (model to be inserted in Annex I of Regulation (EU) 2021/403) would be issued on the spot by an official veterinarian, based on the intra EU certificate with which the birds arrived at the exhibition. Before signing, the official veterinarian must be satisfied that the health status of the birds has been maintained (no contact with birds with lower health status)

Some experts considered that:

- there is a risk in authorising movements of captive birds from an exhibition to a third member state (however, an expert indicated that captive birds are presenting a low risk on the HPAI transmission point of view)
- captive birds' owners in general have little knowledge of/interest in biosecurity
- it should be ensured that provisions of Art 62 of Regulation (EU) 2020/688 (movement to a MS with status free from infection with Newcastle disease virus without vaccination) are respected in the draft.

The Commission explained that:

- Captive birds are moved to the exhibition with an official intra EU certificate and shall be separated during the exhibition from other birds with a lower health status.
- If the official veterinarian at the exhibition considers that the health status during the exhibition was not maintained (e.g., no actual separation with birds with lower health status, biosecurity rules not respected), he/she can refuse to sign the certificate to move the bird to a third MS.
- Without legal possibility to do this type of movement, movements could nevertheless be done without legal coverage, and in this case, the MS of destination would not be informed (they would be if a certificate is signed at the exhibition)
- Under the current legislation, the captive birds can either come back to their MS of origin or stay in the MS of the exhibition; authorising the movement to a third MS, provided a specific official certificate is signed at the exhibition, would not create disproportionate risk.
- For movements to a MS with status free from infection with Newcastle disease virus without vaccination, this is implicitly covered in the proposed text (in Regulation (EU) 2020/688: art 67.1 referring to art 59.1.(f), referring to art 61 and 62). Addition to the draft certificate could be envisaged.

3.2.3. Derogation for movements of kept ovine and caprine animals intended for slaughter to other Member States

The Commission explained the amendments proposed for Articles 18(a) and 43(4). Article 18(a) of Delegated Regulation (EU) 2020/688 provides for a residency period of 21 days for kept ovine and caprine animals which are not individually identified in accordance with Article 45 of Delegated Regulation (EU) 2019/2035 and are intended for slaughter in another Member State. As laid down in Article 45(2) of Delegated Regulation (EU) 2019/2035, operators keeping ovine and caprine animals which are not intended to be moved directly to slaughterhouse before the age of 12 months shall ensure that each such animal is individually identified. Article 18(a) and the exemption for ovine and caprine animals not individually identified in Article 43(4) of Delegated Regulation (EU) 2020/688 is therefore superfluous and should be removed.

There was no discussion on this point.

3.2.4. Certain movements of equine animals

The Commission explained amendments proposed for Articles 3(25), 69, 91(2)(b) and 92(2) of Delegated Regulation (EU) 2020/688 which relate to equine animals. The Commission highlighted that the proposed amendments do not intend to change the substance of those provisions, but they are needed for the sake of their clarification and correct interpretation.

Some experts requested to amend Article 91(2)(b) that all equine animals are to be clinically examined within 48 hours or on the last working day before the departure. Current provisions provide for a standard rule which is the 48 hours before departure for any equine animal, while equine animals which are accompanied by their identification documents with a valid validation mark, or a valid licence can also be clinically

examined on the last working day before the departure. Those experts stated that such differentiation does not have an animal health justification. The Commission noted the suggestion and will reflect on it.

Some experts sought for the interpretation of Article 69 related to a derogation for movement of registered equine animals between Member States without an animal health certificate. The Commission explained that, in the case a Member State of destination of equine animals is willing to use this derogation, it should establish the conditions for such movement and notify them to the Commission and other Member States. Then any Member State of origin of equine animals that intends to authorise such derogation should contact the Member State of destination and cooperation between both should be established. At the same time, bilateral agreements that were in place under Directive 2009/156/EC are no longer possible under the Animal Health Law and Delegated Regulation (EU) 2020/688.

4. Any other business

An expert presented some practical difficulties of implementing the rules in CDR (EU) 2020/688 on surveillance and testing camelids for infection with MTBC, a requirement for their movements to other Member States. That expert sought the experiences and best practices of experts from other Member States. Some experts replied immediately and/or echoed similar difficulties, while others indicated that they would share their experiences bilaterally. The Commission encouraged the expert in question to summarise the inputs, identify best practices if possible, and inform the Commission in due course.

5. Conclusions

The Commission concluded that the elements of this revision have been thoroughly discussed including the main elements and some of the limitations shaping the draft and confirmed that it took due note some of suggestions.

6. Next steps

The Commission encouraged the experts to send in their inputs as soon as possible. The Commission explained that expressed agreements are welcome, absence of inputs is assumed to be agreement and encouraged the experts to share their reasoning too, in case of different views. Smaller adjustments, wording etc. may still need to be necessary, based on the already shared comments, or those, which are still to arrive

The Commission plans to progress with the draft towards internal consultations and subsequent steps leading to adoption and publication as soon as possible. Deadline for inputs is 28 March 2023. No further expert group meetings are planned, unless it becomes necessary. Other follow-up will also be in the context of the Standing Committee on PAFF as those concern amendments of Commission implementing rules, e.g., on model certificates and such.

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