



MINUTES of the EXPERT SUB-GROUP MEETING of MEMBER STATES
"Official Controls on animals and goods (including plants) entering the EU:
Delegated acts under Regulation EU 2017/625"

Brussels, 27 April 2018, 09.45- 18.00

Chair: Andrea Gavinelli Head of Unit, Gudrun Gallhoff Deputy Head of Unit, Eur. Commission (COM),
Members: EU Member States (MS)
Observers: Norway, Iceland, EFTA Surveillance Authority.

| | TOPIC | BACKGROUND |
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| | The COM welcomed the participants and provided an update on the progress of different files and timelines on delegated acts on imports. Many files are interlinked (such as those in the agenda), as showed by discussions proceeding in parallel. Some MSs remarked the importance to carry on parallel discussions in different expert groups to consolidate the positions; the COM has been following this approach by updating MSs on technical files which are being discussed in other COM expert /working groups. | Ppt on-line |
| 1 | Specific training requirements: empowerment of Art. 49.5 The COM considered the additional comments received by some Member States, which were not changing the nature of the document. As next procedural steps, the draft act will be in consultation within the COM services and the expert group will be informed when the delegated act will be presented to the co-legislator according to the Better Regulation Guidelines ¹ . | Draft shared ahead of the meeting |
| 2 | Specific rules for controls at BCPs (onward transportation, transit and transshipment): empowerment of Art. 51 The Commission presented an annotated agenda. Notably for plants and products of animal origin the discussion focussed on the time-limit (No of days) where official controls would be necessary in border control posts during the transshipment of consignments. As regards official control of plants in transit the COM addressed some concerns from the MS in the working document making control arrangements more flexible and risk based. The next step is to integrate upcoming MS comments, expected by 21 May. The agenda item will be represented on 20 June to MS. | annotated agenda |
| 3 | Additional categories of products to be checked at BCPs (such as composite products, hay and straw): empowerment of Art. 47.3 A revised draft act was presented, in light of renewed consultation with the Legal Service of the Commission and comments received by Member States. It was agreed that this act is now ready for adoption, although subject to a final agreement being reached as regards the import conditions and derogations from BCP controls. Procedural steps to prepare for its adoption will now follow. | Ppt-online + Annotated agenda shared ahead of the meeting |
| 4 | State of play on import conditions for composite products (empowerment of Art. 126) The COM updated on a discussion which takes place in the MS expert group on meat | Concept note shared ahead |

¹ https://ec.europa.eu/info/law/law-making-process/planning-and-proposing-law/better-regulation-why-and-how/better-regulation-guidelines-and-toolbox_en

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| | <p>hygiene.</p> <p>The Commission presented the latest developments regarding the import conditions (listing, certificates and attestations) to be proposed as regards the entry into the Union of composite products. Also the matter of an exemption list, to be established on the basis of Article 48 of the OCR, was elaborated upon. Overall, the new approach to composite products was well received. Some detailed comments and questions will be handled in the upcoming discussions on the draft legal acts.</p> | of the meeting |
| 5 | <p>Use of the CHED accompanying consignments to destinations: empowerment of Art. 50.4</p> <p>The Commission presented preliminary views; no discussion took place but written comments are expected by 21 May.</p> | Ppt on-line |
| 6 | <p>Rules for specific official controls and for measures to be taken <i>following the performance of such controls</i>: empowerments of Art. 77.1d (<u>wood packaging material</u>)</p> <p>The Commission presented preliminary views; COM answered to some preliminary questions and written comments are expected by 21 May.</p> | Ppt on-line |
| 7 | <p>Rules for specific official controls and for measures to be taken <i>following the performance of such controls</i>: empowerments of Art. 77.1(h) (<u>re-import</u>)</p> <p>The Commission presented preliminary views; one MS requested whether the measures laid down in the presentation aim at keeping the status quo for import conditions. The COM answered that no major changes are proposed for introduction.</p> <p>Written comments are expected by 21 May.</p> | Ppt on-line |

WORKING GROUP MEETING of MEMBER STATES
"Official Controls on animals and goods (including plants) entering the EU:
Implementing acts under Regulation EU 2017/625"

| | TOPIC | BACKGROUND |
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| 1 | <p>List of animals and goods to be checked at BCPs (including Common Nomenclature codes): empowerment of Art. 47.2(a)</p> <p>The Commission informed the Member States that, in the light of comments received, there will be one, small modification of the draft act presented at the OCR working group meeting on 27 February 2018: CN code Ex 19 01 ('Covers uncooked pizzas with products of animal origin') will be changed into: 'covers uncooked foodstuffs (e.g. pizzas) containing products of animal origin'.</p> <p>The draft act still needs to be technically amended in order to reflect the update of the CN codes, to be undertaken by DG TAXUD in the autumn of 2018, and the final agreement as regards the channelling of composite products, hay and straw through BCPs. But the substantial discussions concerning this draft act are now considered as concluded. Procedural steps to prepare for its adoption before the end of the year will now follow.</p> | Draft shared ahead of the 27 February meeting |
| 2 | <p>Border Control Posts (BCPs) facilities: empowerment of Art. 64.4</p> <p>The Commission presented a revised draft that aimed to address the initial comments from MSs according to which the proposed detailed rules on BCP minimum requirements were too prescriptive, particularly for the PH sector. The Commission pointed out that the revised draft introduced a greater degree of flexibility compared to the previous version</p> | Draft shared ahead of the meeting |

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| | <p>and that the proposed requirements were not more stringent than current rules, namely those laid down in Commission Decision 2001/812/EC and Directive 98/22/EC, which will be repealed. On the contrary, some of those current requirements had been significantly streamlined. The general view of MSs was that the revised draft represented a considerable improvement and that had largely captured the fundamental issues of importance to MSs. There were a number of questions for clarification like those for example concerning the application of rules to organic products. The Commission clarified that organics is fully within the scope of the OCR and that its rules will apply regardless of whether or not products have been grown/produced in accordance with the organic regulation, unless otherwise provided by the OCR. MSs were given the opportunity to submit further written comments by 21st May.</p> | |
| 3 | <p>Operations to be carried out <i>during</i> and <i>after</i> documentary, identity and physical checks: empowerment of article 52</p> <p>The Commission provided an update further to the Member States comments received after the working group meeting of 27 February 2018. Short discussion took place and the item will be included on the agenda of 20 June 2018 meeting.</p> | |
| 4 | <p>Pre-notification: empowerment of Art. 58.b</p> <p>As for the empowerment related to manifests (Article 15.4 of the OCR), all Member States except one considered that the general obligation established in the basic act (Article 15.2 and 3) for operators to cooperate and provide the competent authorities with any information concerning their consignments to be sufficient. Hence, it was concluded that there is no need to make use of the empowerment in Article 15.4.</p> <p>As for the empowerment related to prior notification (Article 58b of the OCR), in addition to requesting the "one working day" rule to be retained, all Member States have requested the flexibility to set shorter or longer time limits based on their own needs. Given that the obligation to give prior notification before arrival of the consignments, and the procedures regarding this, follows already from the basic act (Article 56.3 and 4) the Commission shares the view of the Member States that there is currently no need to make use of the empowerment in Article 58b.</p> <p>However, it was agreed that for the sake of transparency and fairness, information on the respective time limits for prior notification should be made publicly available on the internet by the Member States as part of the information in their list of border control posts (Article 60.1 and 2 of the OCR).</p> | Ppt on-line |
| 5 | <p>Listing of BCPs: empowerment of Art. 60.2</p> <p>The Commission presented a draft further to the Member States comments received after the working group meeting of 27 February 2018. The act will be bundled with the act on BCP requirements (empowerment of Art. 64.4) and it will be presented as one act on 20 June meeting.</p> | Draft shared ahead of the meeting |
| | <p>Conclusions, end of the meeting</p> <p>The chair concluded that item 1) "List of animals and goods" will be finalized in November 2018, with integration from Directorate General for Taxation (DG TAXUD) and in conjunction with composite products. MS comments related to BCP requirements (Art. 64.4) are requested to MS as priority, in view of finalization in June. The document on Art. 52 will be shared ahead of the meeting on 20 June. The chair recapped that the MS group agreed on COM proposal not to develop the implementing act on pre-notifications (Art. 58.b) for the time being. Written comments are expected preferably before 21 May 2018.</p> | |