

**Minutes of the meeting of the expert group held on 28 February 2019 to discuss the draft delegated acts on Parts II, III and IV of the Animal Health Law 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 IV of the Animal Health Law were provided to Member States in advance. The documents circulated in advance also included a draft Annex VI of Part II and two draft Annexes of Part IV.

**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 disease control measures for category A diseases in aquatic animals. These have previously been discussed at January 9<sup>th</sup> and February 7<sup>th</sup> expert group meetings and had been edited subsequently to take account of comments and written feedback from Member States as well as internal deliberations. The presentation focused on the main changes made since the meeting on January 9<sup>th</sup>. During the meeting a draft Annex XIII was circulated and presented mainly to illustrate how the Commission suggest to structure this Annex.
- b. 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. This delegated act had previously been discussed at the January 9<sup>th</sup> expert group meeting and had been edited subsequently to take account of comments and written feedback from Member States as well as internal deliberations. The presentation covered the main changes made to the draft delegated act since the last meeting as well as outlining the main components of the revised Annex VI.
- c. Presentation of a first draft of the delegated act under Part IV, Title II of Animal Health Law. The presentation also included two annexes. This delegated act covers registration/approval of aquaculture establishments, construction of registers and keeping of records.

#### **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 under Part III of the Animal Health Law concerning control measures for Category A diseases. This presentation resulted in comments and requests for clarification:**

- a. Some Member States questioned the Commission proposal to allow slaughter in establishments where a Category A disease is suspected or confirmed. After thorough discussion it was agreed that the text of the draft delegated act should be changed to state that slaughter or take out of water of molluscs for human consumption from such establishments is prohibited. Based on risk assessment a derogation can be granted if certain risk mitigating measures are implemented.
- b. Member States welcomed the changes which had been made to the text in relation to the Animal-By Products.
- c. The Commission undertook to amend the text to take account of potential situations where a Category A disease is detected in wild aquatic animals of non-listed species.
- d. Certain Member States expressed the view that synchronous fallowing of infected establishments will be very difficult if the protection zone is large. The Commission undertook to reflect on this and to amend the draft if necessary.

##### **4.2 The second presentation regarding the delegated act under Part II, including Annex VI, of the Animal Health Law regarding surveillance, eradication and disease freedom, resulted in some comments and request for clarifications:**

- a. . The Commission emphasized that dependent compartments by default are dependent on the health status in surrounding waters and therefore the establishments within them should be classified as high risk. The Commission also highlighted the suggested reduced amount of sampling to maintain IHN/ VHS free status in those compartments.
- b. There was a discussion regarding the risk based surveillance scheme set out in Part I of Annex VI. The Commission emphasized that risk assessment of aquaculture establishments has been applicable for a decade and added that the approach proposed in the draft Annex does not diverge significantly from the present legislation but is making it more flexible than the existing provisions. The Commission also underlined that operators should provide relevant information to the competent authority who will provide the risk assessment of the establishment..
- c. The Commission underlined that provision in Article 177 of the Animal Health Law as regards the possibility for group approval of establishments was requested by several Member States during the drafting of the Animal Health Law. The intention is to help Member States. In situations where the competent authority assesses that such a system will not be beneficial, individual establishments can be approved instead.

- d. The Commission emphasized that risk based surveillance shall be conducted in all farms keeping listed species regardless of risk classification i.e. regardless of whether it is high, medium or low risk. In establishments keeping non listed species, risk based surveillance shall only be carried out in those farms which are classified as high risk. Member States reported they were generally content with this approach.

#### **4.3 The third presentation from the Commission comprised the first draft on the delegated act on Part IV, Title II of the Animal Health Law.,.**

- a. The Commission asked Member States for inputs as regards establishments other than those listed in paragraph 2 of Article 176 in Animal Health Law, which can be derogated from the requirement to apply for approval. In that regard the Commission proposed that derogation must be based on a risk assessment which takes account of the risk factors set out in Chapter I, Part I of Annex VI of the delegated act under Part II of Animal Health Law. In order for an establishment to be derogated from the requirement for approval, the risk it poses of contracting and spreading a disease should be determined to be insignificant.
- b. The Commission also asked Member States to consider which type of establishments should be approved under Article 176 (1)(a) and (b) of the Animal Health Law. Opinions were also sought from Member States in relation to the approval conditions that should apply to the various establishment to be approved in each case.
- c. The issue of confined establishments and their possible inclusion in the delegated act under Part IV.II of the Animal Health Law was discussed. This is a voluntary concept. It was agreed that further discussion is required on this issue and on the requirements for research establishments, which do not volunteer to become confined establishments.
- d. One Member State expressed a need for sufficient flexibility to be introduced into the draft delegated act to future-proof it for “new” methods of producing aquaculture animals which will evolve over time.
- e. A Member State suggested that when setting down the scope of the information which the competent authority will collect from operators that the Commission should consider the scope of the information that Member States have already included in their public registers under the current legislation in order to avoid additional expenditure once the new legislation is applied in April 2021.

#### **5. NEXT STEPS**

The Commission invited experts to provide written comments by 15 March, 2019. Presentations given in the meeting have been circulated.

#### **6. NEXT MEETING**

The next meeting of aquatic experts is scheduled for 12 April 2019.