



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY

Food chain: stakeholder and international relations
Multilateral international relations

Brussels,
SANTE D2/BS/JM/AH

NOTE FOR THE FILE

Subject: Summary Report of the Expert Group meeting on veterinary import controls
3 July 2018

Participants:

- Representatives from all Member States (MS) except Austria, Cyprus, Greece, Latvia, Malta, Portugal and Romania.
- Representatives from Norway and Switzerland.
- European Commission (DG SANTE): B. Saimour (D2, chairman), J. Maciulyte (D2), A. Horvath (D2), C. Juliusson (G3), D. Howe (G3), I. Celms (G3), R. Kliucinskas (G3), C. Sanz Laso (D3), V. Aubin (D3)

Introduction

COM welcomed MS to the meeting, presented the agenda, as enclosed, and added some other points raised by MS for discussion in the relevant chapters.

1. OFFICIAL CONTROLS REGULATION (OCR)

COM clarified that the provided documents were already discussed in the relevant group on OCR, which took place in Brussels on 20 June 2018. COM reminded that the next OCR group meeting was set up for 10 July 2018.

a) Specific rules for controls at BCPs (transit and transshipment) (Art. 51)

COM explained that the draft working document is still under preparation. During the discussion, it was proposed to allow the movement of non-conforming products in transit between approved customs warehouses. In response to a question on transshipment, it was confirmed that all consignments of products of animal origin would have to be notified through the CHED document to the competent authorities at the border control post of entry into the Union.

b) Use of CHED accompanying consignments to destinations (Art. 50.4)

COM presented again the document which was discussed at the last meeting of the expert group on OCR and drew the attention of the participants about several key points: scope, definition of destination, splitting of consignments, copies of CHED, use of IMSOC and data retention policy.

The discussion focused on the co-operation with Customs authorities (e.g. when splitting consignments before release for free circulation in the EU) and on the future plans for using national IT systems in BCPs.

c) Re-import (Art. 77.1(h))

COM outlined the main elements of the draft working document. Concerning re-import of live animals, the conditions will be based on the implementing rules prepared under the Animal Health Law. Several MS requested to define special requirements for the consignments re-imported to the EU due to commercial reasons. COM explained that, in first analysis, the case seems to be outside the scope of empowerment. Therefore, it requires clarification with the Legal Service.

d) Documentary, identity and physical checks (Art. 52)

COM provided updated information on the draft document and invited MS to send written comments.

e) Frequency rates for identity and physical checks at BCPs (Art. 54.3)

COM presented preliminary views on the calculation of frequency rates for identity and physical checks. It was clarified that there are two possible options on how to develop the algorithm in IMSOC: calculation of an average by product category or individual calculation by consignment. MS expressed concerns as they are not sure to master all details of the problem. COM proposed to prepare a document presenting the pros and cons of each option.

f) Intensified controls (Art. 65.6) and Articles 66.2 and 70

COM stated that many comments had been provided by the MS. The draft working document is now under preparation.

COM confirmed that the general obligations established in OCR for isolation, quarantine and consistency in application of decisions are considered as sufficient. Therefore, it was concluded that there is no need for using the empowerments of Articles 66.2 and 70.

g) Listing and de-listing of third country establishments (Art. 126)

COM presented a new proposal concerning the listing/de-listing of third countries establishments under the empowerment of Article 126. This new procedure will shorten the consultation periods and it will speed up the process through IMSOC.

2. RE-ENFORCED CHECKS

a) Separation of poultry meat between fresh meat and meat preparation

COM informed the participants that, taking their request into consideration, changes were made in the TRACES system. Previously it was not possible to differentiate the registered consignments between poultry meat and poultry meat preparation, especially under CN 0207 14 and CN

0207 27. Subsequently, in the case of re-enforced checks, a lot of exemptions were requested by the MS to TRACES team. Now this separation has been done, it enables the system to automate the selection process of consignments without users' intervention.

MS acknowledged this information.

b) Heavy metals in molluscs

COM reported a series of incidents that occurred with re-enforced checks of heavy metals in molluscs and they brought the following points to the MS' attention:

- The correct sampling of molluscs for heavy metals must be ensured. Samples should always be taken from the flesh and not from the intestines or the head of molluscs.
- A special attention should be paid when a repeated number of unfavourable results come out from the same laboratory. In this case, it is necessary to double check that sampling and extraction procedures were properly followed.

A discussion was launched on how to deal with the re-enforced checks (REC) of heavy metals on wild caught fishery products. It was generally accepted that there is no point in triggering REC against freezing vessels, if no inland establishment is involved, considering that such activity is not subject to the application of control plans. COM raised the question of defining the correct targets of REC according to the group of products involved (molluscs, crustaceans or fish), but it was not possible to find an agreement as MS had different opinions.

c) Snails from Morocco

COM received requests from Spain to launch re-enforced checks on live snails from Morocco, in which they detected pesticide residues (clorpyrifos). It was confirmed that, in accordance with EU legislation, the consignments were non-compliant as the results exceeded the applicable MRL for terrestrial invertebrate animals, 0.01 mg/kg.

However, COM clarified that the REC procedure is poorly designed for the categories of products where the establishments of origin are not pre-listed. In such case, it is very easy to register a new establishment of origin in TRACES, for each shipment, and to bypass the REC measure voluntarily or not.

Nevertheless, COM encouraged Spain and other MS to continue to monitor the situation and to circulate the information. COM will contact the Moroccan authorities to enquire about these non-compliances.

3. AOB

a) Contamination by phosphine gas

FR raised the issue of containerised products contaminated by phosphine gas. This chemical compound is used as fumigant against infestations of plant pests. As they fear that inappropriate use of this fumigant might contaminate the food product itself, they wished to check whether special measures were applied in other MS.

The Better Training Safer Food programme (BTSF) includes some information concerning the protection of BIP staff, but the issue of food contamination has not been addressed so far.

b) Update of the list of border inspection posts (BIPs)

COM received few requests for amending the BIP list laid down in the Annex to Decision 2009/821/EC. They invited MS to submit any update request by September 2018 in using the relevant template.

c) Albanian fishery products subjected to emergency measure under Decision 2007/642/EC

IT asked for clarification on the emergency measures laid down in Decision 2007/642/EC. They wondered if the obligations of histamine detection can apply to the fishery products of the family *Engraulidae* as they are among the recommended targets of footnote 17 of Annex I to Regulation (EC) No 2073/2005.

COM explained that, legally speaking, the emergency measures laid down in Decision 2007/642/EC shall only apply to fish belonging to the families indicated in Article 1 of that Decision. However, BIPs may carry out official controls on other fish species, in accordance with Article 20 of Directive 97/78/EC where non-compliances are suspected.

d) Empty gelatine capsules for human consumption

DK raised the point of import conditions for gelatine capsules, as they might be challenged on the official interpretation proposed by COM.

COM reminded that empty gelatine capsules for human consumption are considered as food products derived from gelatine. Thus, the BSE (bovine spongiform encephalopathies) attestation is not obligatory, considering that the attestation requirements of Regulation (EC) No 999/2001 apply to gelatine as such and not to products derived from gelatine. COM will amend its FAQ webpage accordingly.

e) Import of crocodile meat

COM clarified that crocodiles do not fall under the category of farmed game as laid down in Annex I to Regulation (EC) No 853/2004. Thus, COM does not have any mandate to approve residue monitoring plans for crocodile meat. If the importing MS considers that monitoring plans for crocodile meat are necessary, then the MS must assess and validate those plans.

COM drew MS' attention on point (e)(iii) of Annex III to Regulation (EU) 2015/1375 which mentions crocodiles, meaning that guarantees against the presence of *Trichinella* should be included in the health certificates established by MS at national level.

f) CN codes in footnotes I.19 of health certificates

DK wished clarification on the compulsory use of CN codes provided in the footnotes of model certificates.

COM reminded that CN codes listed in footnote I.19 of model certificates, established by EU legislation, are indicative only. It means that the certificates might be used for other CN codes providing that the products belong to the category covered by the model certificate.

g) Import controls at BIPs of live insects (meal worms) for human consumption

COM clarified that the import conditions of insects as food are not EU-harmonised. They can be established at national level, provided that the MS notify COM and other MS of its own import requirements. In any case, at the BIPs, the import conditions of the MS of entry apply.

(signed)
D2 – Import Sector

Encl.: Agenda

Cc: Experts in 28 MS, Norway, Iceland, Switzerland, Faroe Islands + ESA
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EXPERT GROUP ON VETERINARY IMPORT CONTROLS LEGISLATION
“VETERINARY CHECKS”
3 July 2018

– AGENDA –

- 1) Official Controls Regulation (EU) No 2017/625:
 - a. Specific rules for controls at BCPs (transit and transshipment (Art 51);
 - b. Use of CHED accompanying consignments to destinations (Art 50.4)
 - c. Re-import (Art 77.1(h))
 - d. Documentary, identity and physical checks (Art 52)
 - e. Frequency rates for physical and identity checks at BCPs (Art. 54.3)
 - f. Intensified controls (Art 65.6, 66.2 and 70)
 - g. Listing and delisting of third country establishments (Art 126)
- 2) Re-enforced checks
 - i. Separation of poultry meat between fresh meat and meat preparation
 - ii. Heavy metals in molluscs
 - iii. Snails from Morocco
- 3) AOB:
 - a. Contamination by phosphine gas (FR)
 - b. Update of the list of BIPs;
 - c. Albanian fishery products subjected to emergency measure under Decision 2007/642/EC (IT)
 - d. Gelatine capsules (DK)
 - e. Import of crocodile meat