

Minutes of the meeting of the expert group to discuss requirements on the entry into the EU of products of animal origin under Regulation (EU) 2016/429

22 February 2018, Brussels

1. Approval of the agenda

A preliminary agenda was circulated prior to the meeting and approved at the beginning of the meeting.

2. Nature of the meeting

The meeting was non-public. The Member States' and EEA countries representatives from the competent veterinary authorities were participating in the meeting. The Chair noted the absence of the European Council and the European Parliament.

3. List of points discussed

3.1. Introduction, opening

The Commission thanked Member States for the comments and feedback submitted following the meeting of January 23, 2018, on the animal health requirements for the entry into the Union of products of animal origin.

The Commission highlighted the interdependences between all ongoing discussions on the different acts under Animal Health Law (AHL)¹ and Official Controls Regulation (OCR)². In that sense, the Commission noted that the provisions in a possible future delegated act on the animal health requirements for the entry into the Union of animals, germinal products and products of animal origin will depend also on the final agreement on the listing and categorisation of animal diseases and the requirements for intra-EU movements. However, the Commission stressed, once again, that the discussions in this expert group will focus only on the animal health requirements.

3.2. Presentation and discussion on the animal health requirements for the entry into the union of products of animal origin

Prior to the discussion on the changes in the draft working document compared to the previous meeting, the Commission explained the reasons why some of the comments submitted by Member States have not been taken on board. In particular, it was explained that specific wording has to be used in the text in accordance with the AHL and OCR.

One Member State repeated their request to set requirements for the entry into the Union of honey.

Part I: Subject matter and scope and definitions

¹ Regulation (EU) 2016/469 of the European Parliament and of the Council on transmissible animal disease and amending and repealing certain acts in the area of animal health.

² Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health welfare, plant health and plant protection products.

The Commission refreshed the list of products that would be covered by a possible future delegated act and explained the relevant changes made in the definitions. Those refer basically to the definitions of the species of ungulates, since some of the definitions used in the former version were not fit for the purpose. A new approach was proposed in the articles in order to deal with the classification of ungulates. In particular, ungulates have been split into two categories: kept and wild ungulates in line with the definitions in the AHL. As a result of this new classification, all species of ungulates can be classified in either one of the two categories as before, however *Bos Taurus*, *Ovis aries* and *Capra hircus* are specifically exempted from being considered as wild or farmed game.

In this respect, a Member State asked in which category would ungulates, being free in big fenced areas where they can be killed by hunters, fit. The Commission clarified that, as laid down in the AHL, they could be considered as kept in case they are fenced and people are taking care of them. However, if the area is fenced but so big that they live as wild, then they could be considered as such. It is up to the Competent Authorities to assess each situation and decide.

One Member State requested to include meat extracts in the definition of meat products, in order to be consistent with Decision 2007/275 after its latest amendment.

One Member State asked to exclude lard and rendered fats from the definition of meat products. Another Member State, however, reminded that this question was already raised in the last meeting where it was accepted that, from the animal health point of view, lard and rendered fat should be considered meat products. However, Regulation (EC) No853/2004 does not include them in the definition of meat products and therefore they wonder whether a definition for animal health would be useful. The Commission considers that lard and rendered fat should be included in the definition of meat products, on the basis that any treated offal or part of the carcasse becomes a meat product. Internal discussions to be held to ensure definition alignment or to provide a new definition if needed.

Part III: Animal health requirements for entry into the Union of products of animal origin

The Commission explained the reasons for the main changes made in this part of the working document and stressed the fact that although "the compartment" of origin of the products is an option provided for by the AHL, currently there are no animal health requirements for compartments.

In addition, the Commission explained the different levels at which requirements for diseases in general or listed diseases are laid down throughout the working document. In particular, the requirements for ante- and post-mortem inspection provide for absence of 'listed diseases' relevant for each commodity, while the requirements for "the establishments of origin of the animals of origin of the products", provide for the absence of restrictions for diseases under the national legislation of the third country .

Title 2, Chapter 1: Fresh meat of ungulates

The Commission drew the attention of Member States to the new article in relation to the proposed approach for the definition of ungulates, which defines the species of origin of kept, wild and farmed game and dictates the ante-mortem and post-mortem inspections they must be subjected to.

One Member State asked about the reason for maintaining requirements as regards Rinderpest and argued that, taking into account the world's current status of the disease, safeguard measures could be applied in case of an outbreak. The Commission explained that maintaining the provisions in relation to Rinderpest is a safety clause in case of an outbreak and because the disease will be listed, for the sake of consistency, it should be kept as a disease of concern for the entry. Some Member States were in favour of keeping those requirements.

The Commission invited Member State to submit their comments on the consistency and necessity of maintaining the requirements for porcine, ovine and caprine brucellosis for "the establishment of origin of the ungulates" for the entry into the Union of fresh meat.

In relation to the requirements for "the establishment of origin of the fresh meat", the Commission stressed the impact and explained the background of the provision, included in the animal health attestation of the import certificates, in case an outbreak of the diseases of concern would occur near a border with a third country or zone . One Member State suggested a review of current risk mitigating measures considering new evidence. The Commission invited Member States to submit their comments on this requirement.

As regards requirements for *Suidae*, *Tapiridae* and *Tayassuidae* one Member State informed that, based on the available information, *Tapiridae* and *Tayassuidae* are not affected by either African swine fever or classical swine fever. The Commission noted that requirements for porcine vesicular disease have been already deleted for meat of these species, as it is no longer considered as a disease of concern. Furthermore, the Commission will look further into the susceptibility of *Tapiridae* and *Tayassuidae* to African Swine Fever and Classical Swine Fever.

One Member State highlighted that some of the requirements for entry into the Union of fresh meat are less strict than intra-EU requirements. The Commission informed that the requirements laid down in the draft working document mirror the current certification requirements and the intention is to adjust them once the requirements for intra-EU movements are established. Furthermore, it should be taken into account that the requirements under discussion are limited to the entry into the Union of meat, while the system in place in the EU allows for movements of live animals and all their products.

As regards the requirements for the entry into the Union of fresh meat of Equidae, the Commission noted that if African Horse Sickness and Glanders would not be considered as diseases relevant for meat, this section will probably be deleted. Nevertheless, the Commission invited again Member States to submit their opinion on this point.

Title 2, Chapter 2: Fresh meat of poultry

The new version of the draft working document proposes a set of animal health requirements for entry into the Union of fresh meat of poultry. Meat products of poultry origin were already included in the previous version, under the chapter related to meat products.

The Commission noted that definitions for poultry products are not yet in the draft working document because those definitions need to be aligned in both intra-EU movements and entry into the Union of live poultry and poultry products and internal discussions are still ongoing. The Commission also explained that Annexes are common for poultry products and for live poultry and they are therefore in a separate document in order to avoid changes in cross-references until the draft working document is consolidated.

As regards the requirements, the Commission explained that the aim was to maintain the current approach, and for this reason most of the provisions included are taken from the legislation in force, in particular from Regulation (EC) No 798/2008. However, some of the proposed requirements are slightly different from the current ones, as requirements have been added or deleted to improve the draft working document and to ensure consistency throughout. Furthermore, where appropriate new articles have been added in relation to the dispatch of poultry to the slaughterhouse and the date of slaughter or killing, in line with the requirements included for ungulates.

The Commission also raised some points for further discussion on certain requirements which are established in the legislation in force but could be improved. For example, the current certification for introduction of meat of ratites includes a requirement in relation to "the establishment of origin of ratites" which is not included for either poultry or ungulates. In particular, the attestation includes regular visits in the establishment carried out by a veterinarian to detect cases of disease.

The Commission is seeking Member States views to ensure adequate and proportionate requirements are included in each section.

One Member State questioned the use of "wild-game bird" as a category for the fresh meat since it appears contradictory to use "wild" and "game" together. The Commission noted that this is in line with the definitions in the hygiene package; however, further alternatives to this wording could be considered based on the definitions in the AHL.

Title 3: Meat products

The Commission noted that no relevant changes have been made in this Title since the first meeting. However, a paragraph on a provision for the non-specific treatment of meat products containing meat from poultry, missing from the previous version of the draft working document, has been added. Furthermore, the existing provisions regarding "the establishment of origin of the meat products" will probably be deleted, because those requirements are already covered by the articles on treatments.

Following the request of a Member State, to ensure consistency the Commission will consider adding all diseases for ungulates, which are included in the fresh meat Title, in the section called "the establishment of origin of the animals".

Title 4: Milk and dairy products

The Commission noted that changes made in the classification of ungulates have triggered changes in the name of the species affected by the requirements laid down for milk and dairy products.

The Commission noted as well that the Annex related to treatments for dairy products has been amended in order to clarify which treatments are compulsory in each case. One Member State suggested a new amendment to make it clearer.

Title 5: Eggs and egg-products

The Commission informed that requirements laid down in Chapter 1 of this Title are not in the current legislation but they have been added to improve the text and for the sake of consistency.

Some Member States raised their concern in relation to the requirements regarding physical and identity checks of those products, on the account that those checks should be considered under public health and official controls.

One Member State asked whether surveillance programmes for Avian influenza will be approved. The Commission clarified that the intention is not to approve those programmes, but the implementation of those programmes should be a prerequisite for the authorisation of the third country.

Title 6: Casings, gelatine and collagen

The Commission informed that, as requested by some Member States at the last meeting, the approach as regards treatments of casings has been modified, however, internal discussions are still ongoing. The new approach would allow third countries, which are currently listed for the entry into the Union of meat products of the relevant species, to be authorised for the entry into the Union of casings having undergone one of the treatments currently applicable. However, treatments 1 or 2 in Annex 5, which are aligned with OIE and were assessed by EFSA, would be compulsory for those third countries which are not listed.

One Member State gave consideration to the effect of this change on international trade of casings, since casings from many non-listed third countries are currently entering the Union under the current provisions. Another Member State noted that the new definition for casings adopted by the OIE specifies that they must be salted and the use of this definition will exclude bleaching and drying. The Commission will explore alternatives to ensure the best wording to have adequate requirements for casings.

The Commission noted that currently there are two separate certificates for gelatine and collagen because there are different public health requirements. However, from an animal health point of view, raw materials for both products should be considered as fresh meat and therefore it is necessary to decide whether this part should stay separate from fresh meat.

The Commission invited Member States to send their feedback on this part.

Title 7: Composite products

As regards the entry into the Union of composite products containing products of animal origin, the Commission stressed once again that requirements for composite products are part of other legal acts and there are ongoing discussions. The relevant requirements will depend on the outcome of those discussions.

One Member State reiterated their concern about the lack of definition for "composite products" and other Member States supported this concern and reminded as well the lack of definition for "shelf-stable products". The Commission noted that, likely, a definition for "composite products" will be the outcome of the ongoing internal discussions on this issue.

One Member State expressed its concern on the establishment of basic requirements for those products which are not shelf-stable and the effect this will have to current trade. The Commission explained that the current approach, which links the risk to the proportion of the animal product in the composite product, is not scientifically based and should be reviewed. From the animal health point of view, the quantity is not related to the risk.

Title 8: Personal consignments

The Commission highlighted that no changes have been introduced; however, parallel discussions in the framework of OCR will inform the final animal health requirements for those cases.

Title 9: Transit through the Union

One Member State asked about the applicability of those requirements to movements from Russia to Russia, via EU territory and another third country. The Commission asked for further information/clarification in order to be in a position to include the necessary requirements.

In reply to a question from a Member State, the Commission clarified that consultation with third countries is going to take place in due course in the framework of the SPS notification.

4. Conclusions/recommendations/opinions

The Commission obtained useful information on the views of the Member States on issues which may have to be considered in future legislation. Such inputs are important for the Commission while drafting a possible future delegated act for the entry into the Union of products of animal origin.

A follow up expert group meeting will be organized to discuss a revised draft text, including also the requirements for the entry into the Union of other products of animal origin, germinal products and live animals.

The Commission encouraged Member States to reflect on the issues discussed at this meeting and to provide written feedback by 9th March 2018.

5. Next steps

The outcome of the discussions and opinions provided by participants during this expert group meeting will be used by the Commission in future work towards the preparation of possible future delegated acts under the AHL, and as relevant in the context of the Animal Health and Welfare Section of the SCoPAFF.

6. Next meeting

The next meeting has been scheduled for April 11, 2018.