

Minutes of the meeting of the expert group to discuss a working document in relation to a draft delegated acts on identification, movement and certification of equine animals under Regulation (EU) 2016/429 –E00930

09 April 2018, Brussels

1. APPROVAL OF THE AGENDA

A preliminary agenda was circulated and agreed at the beginning of the meeting. The working document to be discussed was provided in advance.

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 that the European Council and the European Parliament were not represented in the meeting.

3. DISCUSSION

3.1. Introduction, opening, general remarks

The Commission delivered a presentation on the general context of the working document various parts and their respective places amongst the delegated acts in preparation under Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016 on transmissible animal diseases and amending and repealing certain acts in the area of animal health ('Animal Health Law') (AHL).

The working document presented contains three "components" forming the part of the draft delegated acts as follows:

- Component I - identification and registration of equine animals - is a part of *draft DA on registration of transporters and approval of certain establishments keeping terrestrial animals, registers to be kept by the competent authorities and record-keeping obligations of operators, and identification and registration of animals*;
- Component II - intra Union movements of equine animals - is a part of the *draft DA on movements of kept terrestrial animals in the EU*;
- Component III - entry into the Union of equine animals - is a part of the *draft DA on entry into the Union of animals, germinal products and products of animal origin*.

The Commission highlighted also in its presentation the draft listed diseases categorised as D diseases in regard to which movement conditions of equine animals should be established.

Some experts requested a timeframe in which written comments to the working document should be provided.

3.2. Exchange of views with experts on the working document

3.2.1. Component I - *identification and registration of equine animals*

The Commission highlighted that the preliminary discussions of these proposed provisions in this component were held at the expert group meeting of 20 March 2018 on a draft delegated act supplementing Regulation (EU) 2016/429 as regards registration of transporters and approval of certain establishments keeping terrestrial animals, and identification and registration of kept terrestrial animals. Written comments by experts are to be expected by 21 April 2018.

Several experts indicated that in addition to the operator, the breeder/owner obligation to identify the animal should be stated. The Commission clarified that in accordance with Article 114 of the AHL the responsibility of ensuring that an equine animal is identified by a single lifetime document is conferred to the operator keeping the equine animal, not to a breeder/owner. Thus, the provisions refer to the operator and to ensure the cooperation of the breeder and the owner, specific provision has been inserted in Article 61(4) in Component I of the working document, which still needs to be checked with the legal service.

This situation is the same as currently in Commission Regulation (EU) 2015/262, where the obligation is conferred to the "keeper".

The Commission also highlighted that, as provided for in Article 62(1) in Component I of the working document, means of identification of the equine animal is formed by combination of an identification document and an injectable transponder, thus a unique code, as referred to in Article 114(1)(a) of AHL (ULN/UELN), will be given once the equine animal is recorded in a register of the competent authority (a central database) and will be registered also in the identification document issued.

The Commission in the working document proposes a transponder or, in the case of equidae for meat production, an ear tag as means of identification of equine animals. The possibility to use ear tags was a request of Member States in preparation of Regulation 2015/262. In Article 65 in Component I of the working document there is also provided an alternative method of identification as a possible derogation from the standard requirements. The Commission requested Member States for the opinion if such option should be preserved in the future legislation and if yes, what requirements for such alternative methods should be established.

One expert suggested setting one time period for the identification of an equine animal (the application of the transponder and the issuing of an identification document), preferable as within 6 months from the birth of animal. The Commission clarified that setting of such time period is conferred to the Commission by means of implementing act (Article 120(2)(c)(i) of AHL). In Regulation (EU) 2015/262 such period is fixed on first 12 months of birth, with possibility for Member States to reduce it to 6 months. The 6 month time period is very tight. The age of an equine animal can be given with the highest precision between 6 and 9 months of age. Therefore, the Commission suggests a calendar year of birth or six months after birth (for late foals) whatever occurs later for the identification of an equine animal, as it was previously laid down in Regulation (EC) 508/2004.

One expert suggested that the return of the identification document after death or loss of an equine animal is too burdensome and information of such death or loss should be provided to the competent authorities instead (Article 62(2) in Component I of the working document).

One expert noted that the date of birth of the animal is not always known and therefore cannot be recorded by operator in its register kept on the establishment (Article 21 in Component I of the working document). An expert asked whether the record of the slaughter of an animal on the establishment in that register is needed as slaughtering of equine animals is not common on the establishments. It was also proposed to record in a register kept on the establishment the movement date into and from establishment, as well as the ULN.

One expert asked why it is no longer allowed to add a photograph of an equine animal to the identification document (Article 67 in Component I of the working document). The Commission will modify Article 67 accordingly.

An expert proposed to record in a central database also the person to whom the identification document was issued (Article 69 in Component I of the working document).

The Commission agreed to explore the workable solutions for recording the date of birth in the register kept by the operator. In case of slaughter of animal, the Commission highlighted that the movement on and off the establishment is recorded only in the register maintained by the operator of the establishment (Article 102(b) of AHL), while the computer database records for each equine animal the establishment on which it is habitually kept (Article 109(d)(iv) of AHL). While the movement of an equine animal to the slaughterhouse, which in accordance with current legislation and as proposed in the document can only be carried out as transport, transported to the slaughterhouse], is recorded as an off-movement from the establishment in the register kept at the establishment, , in case of slaughter on the establishment, death or loss there is no off-movement that could be recorded in accordance with Article 102(b) of AHL and therefore it should be ensured that the central database correctly indicates for each animal the holding on which it is habitually kept. The Commission agreed to scrutinise the data from the identification document that should be recorded in a central database using empowerment in Article 109(d)(iii) of AHL, including a person to whom the identification document was delivered.

One expert asked for clarification if the central database could record also whether an animal is intended for food production or not. The Commission explained that in accordance with Article 108 of AHL Member States may use the central database for other purposes than animal health and the empowerment that such information is recorded in the identification document is to be conferred under the veterinary medicine legislation.

The Commission also explained that in accordance with Article 114 of AHL the operators are obliged to ensure that certain data are transmitted to the central computer database and thus in this draft DA more detailed obligations cannot be applied to the operators.

One expert asked if the issuing body in one Member State may issue an identification document for equine animal which is kept in another Member State but in the area which is covered by the geographical extension of a breeding programme approved by that first Member State. The Commission explained that with the application of AHL as from 21 April 2021 the issuance of the identification documents is conferred to the competent authorities. Until then, this is a responsibility of issuing bodies referred to in Article 5(1) of Regulation (EU) 2015/262, because Article 8(1) of Directive 90/427/EEC continues to apply, even if the rest of that Directive is

repealed by Regulation (EU) 2016/1012 (Animal Breeding Regulation) with the effect as of 1 November 2018. Secondly, the Animal Breeding Regulation refers only to issuing of zootechnical certificates which should be part of the identification document referred to in Article 114(1)(c) of AHL.

3.2.2. Component II - *intra Union movements of equine animals*

The Commission presented its proposition of requirements for intra Union movement of equine animals, article by article, emphasising the role of a definition of the registered equine animal. Such definition is essential for the purpose of references in animal welfare legislation and for establishing the requirements for entry into the Union of equine animals from third countries (for more details see in point 3.2.3.)

The Commission also explained a new approach for certification of the equine animals linked with the residency period of those animals on the establishment of origin: equine animals intended or not intended for slaughter -30 days, registered equidae - 15 days. Certification requirements will be applied to all equine animals, irrespective of their category, once they are moved to another Member State. The Commission also explained the exemptions from a residency period for horses with a higher health status and their special conditions on movement to accommodate frequent movements of horses for racing and competitions. Experts were invited to express their views.

The Commission also highlighted the importance of traceability of equine animals. Therefore, in future TRACES should be involved in all movements, but should also allow for notification of movement of an animal where the place of origin and place of destination is the same. The latter would allow the equine animals to tour for a certain time - envisaged is a validity of the certificate up to 30 days - without losing traceability.

Experts did not oppose the proposed rules for horses with a higher health status; however they expressed a need to consult with the industry to conform the support of the proposed measures. One expert noted that the higher health status is partly defined by criteria relating to the establishment on which that equine animal is habitually kept. While such a horse may easily depart from that establishment, in case of onward certification these criteria relating to the establishment may no longer apply and therefore would require the operator of that animal to observe the residency period before being certified to another Member State.

The Commission will scrutinise the proposed measure.

On the request of one expert the Commission clarified that movement requirements are set only for those listed diseases which are to be categorised as D diseases whereas other non-listed diseases are of interest of commercial activities and fall under responsibility of the operator.

One expert requested for clarification if measures proposed in the article on specific animal health requirements for movement of equine animals should be implemented by a competent authority only in case where an equine animal is moved to another Member State or in general to all establishments and animals in the Member State. The Commission explained that even if those conditions refer to the movement of equine animals to other Member States, the monitoring of the background/ national situation and a minimum set of measures in case of an outbreak are necessary.

Therefore conditions for movement between Member States have influence on national situation. There is a need of national surveillance of all establishments as it is rather not possible to focus on a single establishment each time and during the six months period, as an example for glanders and dourine, before dispatch of animals. The guarantees for the absence of a disease on an establishment of dispatch are based on the fact that in case of a listed disease for equidae the right measures are taken for its control.

One expert suggested having references to OIE monographs on testing without any detailed sampling or testing procedures in the delegated acts. The Commission explained that the working document describes tests not per se but as measures to ensure freedom of certain diseases. There should be a decision taken which tests should be used as a tool for confirming disease freedom, having regard to their level of sensitivity.

Several experts noted the need to define the term "*establishment where animal is habitually kept*", also suggesting that it should be linked with the residency period. One expert noted practical difficulties in verification of application of such requirement if linked to the period of residence.

On the request of several experts, the Commission clarified that during residency period of 15 or 30 days (period still to be decided), movement of equine animals, i. e. for competitions, races, tours and other sport events, from and to habitual establishment is to be allowed.

3.2.3. Component III – *entry into the Union of equine animals*

The Commission explained the methodology used to draft the requirements for the entry into the Union of equine animals from third countries, highlighting that as requested by Member States, the current system for temporary admission has been merged with a definitive import requirements (however under the customs law custom-specific rules for temporary admission continue to apply). The transit requirements will be now based on those for definitive import of equine animals (in currently applicable legislation requirements for transit are based on the requirements for temporary admission). The three months residency period in a third country before export of equine animals to the Union is proposed, with a derogation for registered horses for competitions, races and other sport events, for which 40 days residency period is suggested (equal to the required residency period for temporary admission of registered horses in current legislation).

In addition, the Commission requested for a consideration if that derogation should apply only to registered horses or to all registered equine animals, including i.e. donkeys entered in a studbook. The Commission explained that a category of registered equine animals, having a different animal health status and posing different risk than other equine animals, may allow different requirements for entry into the Union. The definition of a registered equine animal should be understood as a first selection criterion, which together with additional health requirements define the higher health status of the animal concerned.

One expert suggested deletion from the definition of registered equine animal words 'or eligible for entry' stating that such derogation should be applied only to animals already entered in the main section of a breeding book, and not to those which are eligible for being entered in that section.

4. CONCLUSIONS/RECOMMENDATIONS/OPINIONS AND NEXT STEPS

The Commission obtained useful information and experience from experts which have still to be addressed. Such inputs are important for the Commission in this phase of drafting of the future delegated act.

The Commission invited experts to provide written comments, in order to best accommodate their technical views, to the working document components as follows:

- **Component I** - identification and registration of equine animals - by **21 April 2018**;
- **Component II** - intra Union movements of equine animals - by **30 April 2018**;
- **Component III** - entry into the Union of equine animals - by **17 May 2018**.

The outcome of the discussion and opinions provided by the participants of this expert group as well as written comments/suggestions received will be used by the Commission to improve text of the components of the working document.

5. NEXT MEETING

There are no further meetings of the expert group on identification, movement and certification of equine animals under AHL planned. The components of the working document presented on 9 April 2018 will be further discussed during the expert group meetings dedicated to particular draft delegated acts:

- on registration of transporters and approval of certain establishments keeping terrestrial animals, registers to be kept by the competent authorities and record-keeping obligations of operators, and identification and registration of animals;
- on movements of kept terrestrial animals in the EU;
- on entry into the Union of animals, germinal products and products of animal origin.