



MINUTES of the EU Member States' Expert sub-group on imports:

**"Official Controls on animals and goods (including plants) entering the EU:
Delegated and implementing acts under Regulation EU 2017/625"**

15 December 2017, 09H30 – 16.H30

Berlaymont, Schuman room,

Rue de la Loi 200, Brussels

Chair: Andrea Gavinelli, Head of Unit, European COM (COM), DG SANTE
Unit G3 Official controls and eradication of diseases in animals;

Members: Member States (MS)

Observers: Norway, Switzerland, EFTA secretariat, EU network of the Heads of Food Agencies.

TOPIC	Document
<p>The chair presented the minutes of the previous meeting of the Member States' expert group on 27.10.2017 and the state play following that meeting. The minutes were adopted as circulated.</p>	
<p>Derogations from certain Border Control Posts (BCPs) requirements: empowerment of articles 62.3, 64.2 and 64.5</p> <p>The draft working document concerns empowerments for delegated acts to establish certain derogations from BCP requirements. They are to be bundled into one Regulation. It reflects the outcome of the 27 October meeting and the comments received from MSs thereafter.</p> <p>MSs remarks concentrated on technical details. One MS, in relation to the BCP designated for unprocessed logs and sawn and chipped wood, asked for derogation from article 64.3(b) of the Official Controls Regulation (OCR - Regulation EU 2017/625) which requires BCP to have premises or other facilities adequate to the nature and volume of the categories of animals and goods handled. COM explained that this was an essential requirement for the BCP to comply with, as that compliance could not be ensured by a mobile control team. It was further explained that the term "facilities" (juxtaposed with premises) has a very broad meaning, e.g. "place". This substantiates the requirement that consignments of the products ought to arrive and be checked at a "place" appropriate to the nature and volume of those consignments. Written comments from MS will be considered in view of consolidating the draft for the next meeting (27.02.2018).</p>	<p>Draft working document distributed to MSs on 11.12.2017</p>
<p>Specific training requirements: empowerment of article 49.5</p> <p>The document presented was well received and no major comments to the working draft were raised.</p> <p>Questions on the limitation of scope (assistance to official veterinarian) were raised. Some MSs representatives asked for clarifications related to the subject matter of the training e.g. risk assessment and data gathering on animal and public health in order to carry out targeted physical checks.</p>	<p>Draft working document distributed to MSs on 11.12.2017</p>

<p>Suggestions on the duration of the trainings and the option to manage the data of the trained staff at central level were made.</p> <p>Clarifications were asked about the training activities and programme exchange of staff organized pursuant to art. 130 OCR (training organised by COM).</p>	
<p>Additional categories of products to be checked at Border Control Posts (such as composite products, hay and straw): empowerment of art. 47.3</p> <p>The COM presented an annotated agenda about the empowerment in article 47.3 of the OCR for delegated acts to amend the list of goods that must be checked at BCP to include composite products and hay and straw. In particular, the COM proposed:</p> <ul style="list-style-type: none"> • To refrain from defining composite products as the description of composite products given in article 6.4 of Reg. 853/2004 was sufficient and fit for purpose; • Consider a definition of shelf-stable under the tertiary legislation that will implement the Animal Health Law (AHL - Regulation 2016/429). • To mandatorily channel through BCPs composite products that: <ol style="list-style-type: none"> 1. contain meat and are not shelf-stable (i.e. 100% documentary checks/risk-based identity and physical checks); 2. do not contain meat and are shelf stable (i.e. 100% documentary checks/identity and physical checks to be performed at a lower frequency than the category above due to the lower risk posed – to be further discussed as part of the work on the empowerment for frequency rates under article 54.3); • A synopsis of possible import requirements for both categories of composite products (to be established under the AHL and import conditions); • A list of risk-based exemptions for composite products to be excluded from BCP controls; • Not to add hay and straw to the list of goods to be mandatorily controlled at BCPs. Hay and straw will be accompanied by an official health certificate indicating the origin of consignments (import conditions to be laid down under the Animal health Law (AHL)). <p>MSs appeared to agree that the category 1 of composite products mentioned above should be controlled at BCPs. Yet there was some controversy on some issues concerning shelf-stable/non meat composite product, e.g. on who should sign accompanying declarations. A number of MSs called for a definition of the terms <i>composite products</i> and <i>shelf-stable</i> under this empowerment. Also, the list of exempted products was questioned.</p> <p>Several MSs thought that hay and straw should be checked at BCP and that the custom controls only were not adequate.</p> <p>MSs were asked to submit written comments by 15.01.2018.</p>	<p>annotated agenda distributed to MSs on 11.12.2017</p>
<p>Import conditions: empowerment of article 126(1) and products of animal origin: empowerment of article 18</p> <p>COM presented a state of play on the discussions of proposed delegated and implementing acts related to controls of products of animal origin and import conditions (listing of third countries, listing of establishments and certificates). A tentative schedule was presented. Technical discussion takes place in parallel ad-hoc working group meetings.</p>	<p>Ppt on-line</p>

<p>Border Control Posts facilities: empowerment of article 64.4</p> <p>The COM presented an annotated agenda outlining some preliminary ideas on an implementing act to establish detailed rules on the BCP minimum requirements as set out in article 64.3 of the OCR. This is to take account of specific features and logistic needs relating to the performance of official controls or to measures, such as the destruction or re-despatch of consignments. Those preliminary ideas were based on rules set out in current legislation to be subsequently repealed.</p> <p>In general, MSs thought that the detailed rules proposed by the COM were too onerous. In particular, a number of MSs suggested reconsidering what proposed for BCP designated for plants/plant products. It was agreed that the COM would present a further developed draft working document at the next meeting in February 2018, after considering the comments made by MSs.</p>	<p>Annotated agenda distributed to MSs on 11.12.2017</p>
<p>Manifests and pre-notification: empowerment of articles 15.4 and 58.b</p> <p>This implementing act provides for additional rules pre-notification and respective documents. MS stressed that it was important for them to have access to transport documents and that they would know sufficiently in advance what arrives when and where. The time for pre-notification would depend on the nature of the goods and the type of facilities (airport, port, road). In general one day before arrival was sufficient but for some flexibility was needed. COM reiterated that art. 15 OCR already described the operator's obligation. Operators thus would, amongst others, have to give access to documents (any relevant document) and to cooperate with authorities. There is no need to repeat this in an implementing act.</p>	<p>Annotated agenda distributed to MSs on 11.12.2017</p>
<p>List of animals and goods to be checked at BCPs (including Common Nomenclature codes): empowerment of article 47.2(a):</p> <p>This document allocates Combined Nomenclature codes used by customs to preselect animals and good that have to pass through BCPs. The COM presented the consolidated version of the draft legal measures following MS comments. MS mainly commented on difficulties to classify gelatines capsules (Ex 3926 90 92 Ex 3926 90 97, i.e. empty capsules of hardened gelatine for animal consumption for which specific requirements are set out in Annex XIV to Regulation (EU) No 142/2011). Some reference was made to the potential difficulties to classify composite products and that reference to cultures of micro-organisms would not include human pathogens.</p> <p>The first consultation with MS will be finalised to allow consultation with stakeholders in the SANTE advisory group¹) in March 2018 after the expected finalisation of the discussion during the next meeting on 27.02.2018.</p>	<p>Draft document distributed to MSs on 11.12.2017</p>
<p>Temporary increase of official controls: empowerment of articles 47.2b, 54.4 OCR (Repeal of R. 669/2009 on the increased level of official controls on imports of certain feed and food of non-animal origin)</p> <p>The COM presented the main features of this future proposal. The proposal intends to bring together in a single Implementing Act both measures on a temporary increase of official controls (currently set out in R. 669/2009) and safeguard measures for feed and food of non-animal origin (under art. 53 (1) (b) of R. 178/2002). This approach was supported by all MS that took the floor.</p>	<p>Ppt online</p>

¹ https://ec.europa.eu/food/expert-groups/ag-ap/adv-grp_fchaph_en

<p>The presentation provided also an overview of the mapping of the provisions on increased levels of official controls currently laid down in Regulation 669/2009² and in existing safeguard measures. It also explained on and how they would be covered by the provisions of the OCR and its empowerments for implementing acts/delegated acts.</p> <p>Comments of MS focussed on the need to use clear and transparent criteria for the listing/delisting of goods subject to a temporary increase of controls (including on the duration of such measures) and for the setting of the frequency of physical checks for these goods. The COM indicated that work is currently carried out on these aspects both in the context of this proposal (via new rules on the frequency of identity and physical checks) and in the context of the implementation of Reg. 669/2009 (via ongoing discussions in the dedicated WG on Guidelines for such criteria).</p> <p>In reply to other questions, COM indicated that measures covering both products of animal and non-animal origin would be excluded from the scope of this proposal.</p> <p>COM invited to provide written comments by 15.01.2018. Detailed discussion will take place in the ad-hoc working group. The COM will update on the development of the Implementing Decision at the next meeting (27.02.2018).</p>	
<p>Entry into the EU not through BCP (section I): traceability of animals and goods on which samples have not been taken, empowerment of article 46.2</p> <p>COM drew the attention to this empowerment that was not included in its original proposal. MS were asked to consider the empowerment and to comment until 15/01/2018.</p>	Ppt online

² Commission **Regulation** (EC) No **669/2009** of 24 July 2009 implementing **Regulation** (EC) No 882/2004 of the European Parliament and of the Council as regards the increased level of official controls on imports of certain feed and food of non-animal origin