



**Minutes from the Expert Sub-Group meeting with Member States
"Official Controls on animals and goods (including plants) entering the EU:
Delegated acts under Regulation EU 2017/625"**

Wednesday 21 November 2018, 09H30 – 13H00

Chair: Tim Gumbel, Deputy Head of Unit G3, European Commission (COM)

Members: EU Member States (MS): AT, BE, BG, CY, CZ, DE, DK, ES, FI, FR, UK, GR, HR, HU, IE, IT, LT, LU, LV, MT, NL, PL, RO, SK, SI, SW

Observers: CH

	TOPIC	BACKGROUND
1	<p>Art 50(4): CHED accompanying consignments to the place of destination</p> <p>COM presented a draft delegated regulation which was well received.</p> <p>The discussion that followed revolved around the issuance of the CHED, the definition of the "subsequent" CHED and the copy of the CHED. Some editorial suggestions were made.</p> <p>MS welcomed the new provisions in Art.4(2) for consignments which are subjected to partial destruction or re-dispatch. One MS suggested including an extra condition concerning the splitting of consignments of animals.</p> <p>As for the latter, COM referred to the provisions of Article 66(4) of the OCR, according to which partial measures on non-compliant consignments may not be taken if this would pose a risk to animal health.</p> <p>COM informed MS of its intention to close the informal discussion on this empowerment and invited the MS to submit written comments on the draft act by 30th November 2018 before initiating the formal adoption procedure.</p>	<p>Draft document shared with Member States ahead of the meeting</p>
2	<p>Art 77(1) (h): Return of consignments after a refusal of entry by a third country</p> <p>COM presented a draft delegated regulation.</p> <p>MS asked for clarifications and proceeded with comments and suggestions. Several MS highlighted that the provisions concerning animal health of live animals on their return need to be more specific. Some further comments were made, concerning the need for more distinguished requirements between the different kinds of refusal.</p> <p>COM provided clarifications to the MS questions raised and noted the MS comments and suggestions. Regarding the animal health concerns raised, it was clarified that these will be taken into account establishing animal health requirements under Animal health legislation.</p> <p>COM informed MS of its intention to close the informal discussion on this empowerment and invited the MS to submit written comments on the matters addressed at the meeting by 30th November 2018.</p>	<p>Draft document shared with Member States ahead of the meeting</p>
3	<p>Art 77(1) (d): Wood packaging material</p> <p>COM presented a draft delegated regulation followed by a detailed presentation of the steps required in order to fill a CHED for wood packaging material.</p>	<p>Draft document shared with Member States ahead of the</p>

	<p>MS asked for several clarifications. The discussion mainly focused on the provisions concerning destruction of non-compliant material when the non-compliance is found at the place of destination. MS suggested to keep also the option of treatment.</p> <p>COM provided clarifications to the MS questions. It was clarified that the compulsory destruction at place of destination should remain as it should function as a deterrent action for the non-compliant operators.</p> <p>COM informed MS of its intention to close the informal discussion on this empowerment and invited the MS to submit written comments on the matters addressed at the meeting by 30th November 2018.</p>	meeting
4	<p>Art 77(1) (a,b,k): Specific Official Controls</p> <p>COM presented a draft delegated act.</p> <p>MS asked for several clarifications and also made various comments and suggestions. Several MS highlighted that the 75km rule in Art.2(2) is not practical and should be modified. Some other comments revolved around Art. 6 and the documentary controls for fishery products which were deemed as not enough. Furthermore, concerning Art.4, several MS indicated the need to a more precise wording since the current was considered general.</p> <p>Last but not least, a major part of the discussion focused on Annex I; more precisely, most MS highlighted that the report introduced in Annex I will lead to more complexity and questioned the use of the data that will be collected through it, and deletion of this mandatory report seems to be welcome by most MS as an alleviation of the administrative burden. On the contrary, one MS suggested that instead of this report, MS may proceed by sending risk assessment models.</p> <p>COM provided clarifications to the MS questions raised and noted the MS comments and suggestions.</p> <p>COM invited the MS to submit written comments on the matters addressed at the meeting by 30th November 2018.</p>	Draft document shared with Member States ahead of the meeting
5	<p>Art 51(1) (a): Onward transportation</p> <p>COM presented a draft delegated act and highlighted that the scope is now expanded to plants, plant products, and other objects subject to an emergency measures as referred to in point (e) of Article 47(1) and consignments of feed and food of non-animal origin subject to measures provided for by the acts referred to in point (f) of Article 47(1) of Regulation (EU) 2017/625.</p> <p>In general the draft was well received. MS mainly asked for clarifications regarding the CHED and the role of the "subsequent" CHED.</p> <p>One MS indicated that plants are subject to emergency measures and as such, that it is important to include a specific condition in Art.6 regarding the phytosanitary conditions for storage. Last but not least, the new 15 days rule under Art.5(11) was welcomed but it was also indicated that an obligation for the party responsible for the consignment might be necessary.</p> <p>COM noted MS comments, suggestions and provided clarifications to the questions raised. In particular, the role of the "subsequent" CHED was further elaborated as well as some points that were raised concerning the customs legislation for storage of goods and the results of checks.</p> <p>COM invited the MS to submit written comments on the matters addressed at the meeting by 4th December 2018.</p>	Draft document shared with Member States ahead of the meeting

<p>6</p>	<p>Art 53(1) (a): Identity and physical checks at control points other than BCPs</p> <p>The COM presented a revised draft working document. In particular, the COM explained that the scope of the regulation had been clarified and broadened as for plants, plant products and other objects the draft referred to point (e) of Article 47(1) of the Official Controls Regulation (OCR), including therefore plants, plant products and other objects subject to emergency measures. For food and feed of animal origin, the reference to point (f) of Article 47(1) of the OCR had also been added.</p> <p>The COM also highlighted that in order to ensure consistency of rules, the provisions for plants, plant products and other objects and food and feed of non-animal origin had been aligned. Clarifications were also introduced in the provisions concerning the cases where and the conditions under which identity and physical checks could be performed at control points. In addition, the COM pointed out that there was still a general need to better specify in the draft the references to the CHED.</p> <p>A number of MS expressed their satisfaction with the revised draft. Some MS indicated the need to have an obligation for the operator in those cases where the consignment does not reach the control point and the need to adjust certain requirements to take into account the transport from the BCP to the control point of unprocessed logs.</p> <p>The COM invited the MS to submit written comments by 4th December 2018.</p>	<p>Draft document shared with Member States ahead of the meeting</p>
	<p>Conclusion, end of the meeting</p>	