EUROPEAN COMMISSION
HEALTH AND CONSUMERS DIRECTORATE-GENERAL

Veterinary and International affairs
Multilateral International relations

Brussels,
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NOTE FOR THE FILE

Subject: **Minutes of the Expert Group on Veterinary Checks – 16.10.2013**

Present: **All Member States except Cyprus, Estonia, Latvia and Romania; Norway and Switzerland;**
Commission Personnel (COM): DG SANCO: Patricia Langhammer (G6), Bruno Saimour (G6), Izaskun El Busto Saenz (F5), Didier Carton (G 2), Pierangelo Bernorio (G2), Helene Klein (G2), Kris De Smet (G4), Georgios Balkamos (E5) and Luca Battistini (E5).
DG TAXUD: Francesca Biermann, Karlheinz Kadner.

Introduction

After the distribution of the Agenda, several points were added and at the beginning of the meeting, DK requested to add a point related to transhipment – Agenda as attached.

NL questioned the necessity for the continuous provision of lists of health certificates issued for fishery products exported from Korea and Vietnam as there were no cases with fraudulent certificates discovered recently. COM explained that the system is working well which is supported by the fact that no attempts of fraudulent certificates have occurred. Currently, fraudulent activities talking consignments of fishery products pretend their origin as being from Ecuador and COM raised the attention of the participants to such consignments, for which falsified import certificates pretending being created in TRACES are presented. When for such certificates verification is requested from third country authorities or the Commissions' services, BIPs should attach to the request both certificates, the paper version presented to the BIP and the TRACES certificate.

1. REVIEW OF LEGISLATION

COM informed that the first reading of the draft Official Control Regulation (OCR) in the Council's Joint Working Party of Veterinary Experts (Public Health) and Phytosanitary experts continued. As the import control chapter will be discussed on 04.11.2013, COM reminded MS that they should brief their representatives for the Council with any suggestions they deem necessary for the draft OCR.

Following NLs question related to the secondary legislation based on the OCR, COM explained the overview of the empowerment provisions for import controls which had been circulated before the meeting. COM clarified that the table provides the situation as

it is in the current version of the OCR, however, based on the discussions in Council and Parliament, changes may be possible.

Some MS were keen to know, how many delegated acts the Commission might propose following these empowerments. COM replied that it is too early to indicate a number, as the legal empowerments in the draft OCR need to be confirmed at first. In addition, the Commission and MS have to decide, which sector related provisions could be combined into an individual delegated act or if they have to be split in different delegated acts.

In reply to PL COM confirmed that the text of the draft OCR could still be changed and urged MS to inform their representatives in Council, if such changes need to be considered.

2. COMPOSITE PRODUCTS

COM explained that in case of composite products originating from approved establishments and accompanied with the processed product certificate, BIPs should be flexible and accept the processed product certificate rather than requesting the composite certificate. This would be acceptable as the processed product certificate provides for more guarantees than the certificate under Regulation (EU) No 28/2012 in case only one type of processed product of animal origin is included in the composite product.

COM clarified for composite products which do not need to be checked at BIPs due to their low amount of processed product of animal origin, the import conditions for that processed part of animal origin require that it needs to originate from a third country with an approved residue control plan and in case of dairy products, they need to originate from a third country listed in Regulation (EU) No 605/2010. In addition, the processed part of animal origin needs to originate from an approved or registered establishment as provided for by Article 6 (4) of Regulation (EC) No 853/2004.

COM explained the decision tree distributed to MS, which should help BIPs to decide if a composite product needs to be checked at a BIP or not. Some MS asked questions concerning the content of less than 50 % of processed animal product in a composite product and that different processed animal products, e.g. 45 % fishery product plus 10 % honey, should not be added up. COM clarified that Article 4 of Decision 2007/275/EC refers to "any one processed product" contained in a composite product, which means that there can be more than one processed product of animal origin in a composite product and in this case, such contents need to be summed up to know if the composite is subject to a BIP control. According to Article 3(1)(c) of Regulation (EU) No 28/2012, fishery or egg products do not need to be certified in the model certificate of Regulation (EU) No 28/2012 if there are less than 50 % contained in the composite product. However, any processed meat and/or dairy content in a composite product needs to be certified in the model laid down in the Annex to Regulation (EU) No 28/2012 if the total amount of processed animal products in a composite product sums up to more than 50 %.

DE and NL missed references to the residue control plan in the composite product certificate, however, COM clarified that these are not necessary as the legal basis for the requirement of an approved residue control plan for animal products is laid down in the residue Directive.

3. RE-ENFORCED CHECKS IN TRACES

COM reported progress on the re-enforced checks (RECs) module in TRACES and a new TRACES version will be released at the end of November. This version should include the reason why a REC-programme was stopped. In addition, it will allow uploading a scanned copy of the health certificate or other documents directly in TRACES.

In relation to the imposed controls in place, COM reported that the competent authority of Namibia with a letter dated 08.10.20132 suspended the exports of springbuck meat from the establishment under imposed controls for STEC (NA 20). The imposed control will continue to be applicable until further information is provided to the corrective action initiated in Namibia and until a certain number of favourable test results are available.

COM reported that it became apparent that some MS tend to let consignments wait at the border until a REC is closed. This practise became visible when requests were made to move favourable CVEDs under the associated CVEDs up to the mandatory CVEDs. COM refused such movement and outlined that the chronological order of consignments arriving and sampled need to be kept and the BIPs should introduce the results of the laboratory results in TRACES as soon as they are available. COM reminded MS to enforce the implementation of pre-notification of consignments as this is a pre-requisite for import controls at BIPs.

COM received requests from some MS (ES and PT) to exclude certain fish species, such as sword fish, from RECs for histamine. COM explained that such requests are not justified, as footnote 17 to row 1.27 of Chapter 1 of Annex I to Regulation (EC) No 2073/2005 refers to "particular fish species of the families: Scombridae, Clupeidae, Engraulidae, Coryfenidae, Pomatomidae, Scomresosidae". However, this does not mean that exclusively these fish families should be considered for histamine, but these are only some examples and the list is not exhaustive. Therefore, the request for excluding e.g. sword fish from a REC for histamine is not justified.

NL and DK raised questions relating to the 10 % weight limit of consignments and COM clarified that this is not applicable for consignments under 100 % control. In specific cases MS could ask for exclusion but they would need to consider the history of trade of the specific product/importer/person responsible for the consignment to justify if an exclusion from a REC would be appropriate. Such justification should be sent to the TRACES team, who will consider the request together with G4 and G6.

COM asked BE to provide an example regarding their question to an action limit based on national legislation to the Commissions' services.

4. TRACES ISSUES – DRAFT ENTRY DOCUMENT

COM explained that it is planned for the future to accommodate all goods and animals for which import controls have to be carried out in one model entry document. Therefore the TRACES team has developed together with the relevant colleagues such a draft document consisting of a model for live animals, products of animal origin, products of non-animal origin, plants and plant reproductive material. The draft document was presented and discussed during the last TRACES Working Group on 02.10.2013 during which only few comments were provided. However, more comments were provided after

the meeting in writing, all of which will be taken into consideration for the further development of the model entry document.

COM explained the proposal, which contains separate entry documents for products of animal origin, for products of non-animal origin, for plants and plant reproductive material and for live animals. In reply to SE COM informed that the proposal will be presented to the experts in the plant working group which is scheduled for November. COM explained that the documents are based on the current legal requirements and that they should be considered as preparation of the future implementing provisions to the draft Official Control Regulation (OCR). Therefore, issues as partial rejection could only be considered, when there will be a legal basis for such procedure in the future legislation. In reply to some comments, COM explained the procedure for splitting consignments.

DE commented that it disagrees with the electronic certification that is part of this draft proposal because there is no legal basis in Germany for electronic certification. COM clarified that the electronic signature is part of the *Directive 1999/93/EC of the European Parliament and of the Council of 13 December 1999 on a Community framework for electronic signatures*, and that the Commission with the Digital Agenda committed itself to implement by the end of 2015 all digital tools to facilitate trade. The implementation of electronic certification is one of these tools. The certificate will remain a paper to prove the issuance of the relevant electronic document. The bar code or QR code on the certificate will allow any inspector to retrieve the electronic version from TRACES.

DE highlighted that for live animals an official veterinarian and not an official inspector has to issue the certificate. COM replied that according to the note for guidance for box II.20 an official veterinarian or an official inspector is entitled to sign.

DE provided detailed comments as to what is missing in the current common entry document (CED) to accommodate onward transportation and COM informed that a proposal for a revised CED for food and feed of non-animal origin has been prepared and will be presented for discussion in the working group meeting on Regulation (EC) No 669/2009 that will take place on 11.11.2013. Some of the comments that were received in the framework of this forum have already been taken on board and will be reflected int he updated version of the CED. DE raised the importance of a detailed sanitary product description in box I.29, which should not only be linked to the CN code and the customs description and COM agreed.

In relation to the time frame as to when the updated documents could be used, COM clarified that for live animals and animal products the updated documents could be immediately implemented with including them in the existing legislation and in TRACES, however, for the other two documents, the legal basis for the use of TRACES in the draft OCR would need to be agreed first.

NL referred to electronic certification, which is since 2003 under discussion and referred to the CODEX working group discussing this item. COM agreed to take conclusions from these discussion into consideration and referred to TNT (TRACES New Technologies), which will be able to accommodate electronic certification. The draft documents presented are the basis for the future entry documents and COM confirmed that there are no major changes expected in the procedures and in the documents as such taking into account the future legislation.

COM concluded in encouraging MS to read and study the draft documents and asked comments in writing for the CED by the end of the week and for the other documents by the end of October 2013. Even if the draft entry document must reflect the current EU legislation, COM invited MS to raise the points not yet legally covered which they would like to introduce in such a common health entry document. This is to anticipate new issues to be considered for the TNT-development within TRACES.

5. UPDATE OF THE BIP LIST (PL)

The last update of the Annexes to Decision 2009/821/EC was published for BIPs as Implementing Decision 2013/491/EU. COM informed that there were only few requests from MS for amending the Annexes to Decision 2009/821/EC and as there is nothing urgent, the next amendment is planned for the first quarter in 2014.

COM reminded MS of the need to use the template to assist in transferring correctly any changes to the list of BIPs and of the e-mail addresses, to which any requests can be submitted:

sanco-consult-G6@ec.europa.eu or sanco-G6-imports@ec.europa.eu


Microsoft Word Document

6. CERTIFICATION

As announced during the last Expert Group, work on the certification document continued and a very draft proposal to amend the Annex to Decision 2007/240/EC has been circulated to MS. The draft was presented in the TRACES Working Group on 02.10.2013 and MS seemed to be content with the proposal.

COM clarified that part II of the proposal is applicable for all certificates, whereas part I provides the generic lay out and is applicable for the certificates mentioned in the proposal. However, part I has been amended to reflect the current wording in TRACES and the template should be used for all other certificates. As Decision 2007/240/EC provides the legal basis for the template, there should be no need to re-publish all other certificates.

While DK announced to reply in writing, DE and BE raised questions to the content of box I.25 and the use of replacement certificates. COM replied to consider the contributions and asked for comments in writing by the end of October.

7. STATEMENT FOR NON-HARMONISED PRODUCTS

COM had circulated a draft update of the guidance document “Key questions related to import requirements….” which is published on:

http://ec.europa.eu/food/food/biosafety/hygienelegislation/guide_en.htm

COM explained the statement for non-harmonised food of animal origin and that it has been included in the draft update to the above guidance (SANCO/1446/2004 Rev. 4). The document will be presented next Monday in the Public Health Working Group and in the 3rd week of November to the SCFCAH for Biological Safety of the Food chain and COM asked MS to co-ordinate any comments to the draft update with the relevant food hygiene colleagues.

On request, COM clarified that for egg products a list of third countries can be expected by the end of this year and that honey is harmonised although there is no establishment list existing as it would be difficult for honey to list establishments.

In reply to questions from several MS COM explained that the general principle of the common market sharing the same food standards is applicable for all food of animal origin. In case a MS wants to apply additional standards, these need to be notified under the conditions laid down in Directive 98/34/EC. While DK reported that they notified certain Salmonella standards, no other MS informed of similar notifications.

IT and SE questioned the compatibility of that principle with Art. 3 (3) of Directive 89/669/EEC and COM replied that in that Directive rules for controls are laid down. In addition, the Directive is very old and parts of it may be overhauled by the rules laid down in newer legislation such as the hygiene package.

In relation to the novel food legislation, e.g. insects for human consumption, following a risk assessment MS can ask for authorisation of specific food as novel food, however it needs to be demonstrated when the relevant product had been on the market, in particular before 15 May 1997 or after.

Several MS explained their import restrictions for crocodile meat and COM replied that they would not see the import of crocodile meat as a topic of high priority as its consumption within the EU is very low. The data in TRACES demonstrate that import of non-harmonised products takes only place in very few quantities. In any case, MS having national restrictions should notify them in line with the provisions of the above Directive and all other MS would know that they cannot accept crocodile meat destined to those MS who had notified restrictions.

COM clarified that the statement is only applicable for food of animal origin whereas non-harmonised animal by-products for which MS have to apply national import requirements cannot leave the relevant MS of import. Non-harmonised live animals (Article 17.2 of Directive 92/65/EC) can be imported in a MS under their national rules and the BIP carrying out import controls has to be aware of the national rules of the MS of importation. However, after importation took place, the live animals can be moved freely under intra-trade legislation to any other MS. ES and IT found it useful, if such national import rules would be listed and made available for all BIPs.

In reply to DE COM stated that products such as glucosamine or chitosan should be considered as processed products for which import conditions are harmonised. In reply to BE COM stated that a temperature drop of more than 3° C would not be acceptable for frozen products of animal origin as reflected in several paragraphs in the Annexes to Regulation (EC) No 853/2004.

8. OVERVIEW REPORT ON NON-BIP ENTRY POINTS

COM reported that the FVO has published an Overview Report on import controls in non-BIP entry points (report no 2012-6914), which is published on:

http://ec.europa.eu/food/fvo/specialreports/overview_search_en.cfm

Conclusions reflected in this Overview Report as well as current audit activities were presented by the FVO and MS raised several questions, in particular related to the reporting obligation of controls. COM clarified that reporting of all controls is expected as this is a tool for the competent authorities to assess the effectiveness of the controls carried out, which is even more important in case of controls deferred to other authorities, such as Customs.

COM outlined that as only 16 MS were audited in relation to controls on the non-commercial movement of pet animals from third countries and on personal luggage, all other MS should carefully study the report and the findings to make sure that no short comings described in the overview report would exist on their own territory. The new Pet Regulations (Regulations (EU) No 576/2013 and 577/2013, Decision 2013/519/EU), which will become applicable on 29 December 2014 should address several issues raised in the Overview Report, in particular recording the controls. COM clarified as well that controls on non-commercial movements on pet animals from third countries should be carried out at 100 % at travellers' points of entry.

COM gave an overview of the current audit series on TRACES and effectiveness of controls and announced that an interim report is planned to be developed in the coming year. Shortcomings found during the TRACES audits at user levels were mainly based on oversights of central levels. The audits on effectiveness conclude that MS do not have a system in place which is mature enough to measure effectiveness. This weakness is based on a lack of co-ordination in MS with the experts involved in development of MANCPs and audit systems.

9. MISCELLANEOUS

a) Single Window SW-CVED (DG TAXUD)

COM reported that DG TAXUD continued the development of the platform "Speed2" through which in the first phase of the Single Window CVED (SW-CVED) national customs offices will have electronically access to the TRACES data referring to the veterinary clearance of individual consignments. After the presentation about the EU SW-CVED service, questions in relation to the push messages and the rules table mentioned in the presentation were clarified. COM explained that box 44 of the Single Administrative Document contains the number of the CVED/CED and this number is transmitted to TRACES. The local customs office will receive data allowing them to identify the consignment and the customs procedures, which may be applied. NL asked if the service can also be used for transhipments and COM replied, it could in case a customs declaration is made for such consignments.

COM urged MS to co-ordinate with their customs authorities as DG TAXUD is waiting for user requests from MS. COM considered SW-CVED as very useful in view of a more rapid release of consignments and the reduction of administrative burden.

DG TAXUD EU
SW-CVED v1 2.pps

b) Transhipment

DK explained that a shipping line was seeing obstacles concerning the requirements for documentary checks for transhipments, which stay more than seven days in a port. In addition, BE and DE requested that some clarification should be added to the Guidance document for transit and transhipment concerning the procedure for transhipments intended directly or after temporary storage to third countries.

COM asked MS to provide proposals for clarification in track changes in Chapter 9.4. of the Guidance document for transit and transhipment and promised to look into the proposals.

(signed)
G6 – Import Controls

Encl: Agenda
List of distributed documents

Cc: Experts in 28 MS, Norway, Iceland, Switzerland, Faroe Islands + ESA, B. Van Goethem, E. Poudelet, M. Scannell, B. Gautrais, M. Valletta, T. Gumbel, C. Garau, L. Terzi, A. Laddomada, K. Van Dyck, K. De Smet, E. Strickland, J. Vitasek, G. Maréchal, N. Guth, A. Dionisi, J. Bloemendal, S. Andre, D. Carton, K. Kroon, P. Bernorio, H. Klein, A.E. Füssel, B. Logar, F. Reviriego Gordejo, J. Baele, G. Balkamos, L. Battistini, I. El Busto Sainz, R. Matejcik, M. Dodic, M. Cronin, T. Theoharis, J. Maciulyte, A. Berends, K. Kadner, M. Wils, G. Jennes, Unit G6.

EXPERT GROUP ON VETERINARY IMPORT CONTROLS LEGISLATION
"VETERINARY CHECKS"
16 October 2013

– AGENDA –

1) **REVIEW OF LEGISLATION**
2) **COMPOSITE PRODUCTS**
3) **RE-ENFORCED CHECKS IN TRACES**
4) **TRACES ISSUES – DRAFT ENTRY DOCUMENT**
5) **UPDATE OF THE BIP LIST**
6) **CERTIFICATION**
7) **STATEMENT FOR NON-HARMONISED PRODUCTS**
8) **OVERVIEW REPORT ON NON-BIP ENTRY POINTS**
9) **MISCELLANEOUS**
   - **a) Single Window SW-CVED (DG TAXUD)**
   - **b) Transhipment**