ANNOTATED AGENDA
Expert Group on animal health requirements for intra EU movements and the entry into the EU of products of animal origin.

2 October 2017, 10.00-18.00
Conference Centre Albert Borschette – Rue Froissart 36 – Bruxelles, CCAB-3D

I. DRAFT AGENDA

1. Introduction, opening: SANTE Unit G2.

2. Exchange of views on different issues related to the animal health requirements for intra EU movements and the entry into the EU of products of animal origin, in the view of the future legal acts supplementing Regulation (EU) 2016/429 on transmissible animal diseases (the Animal Health Law), in particular:

Morning session (10.00 to 12.30)

A. Definitions of different products of animal origin.

B. Animal health requirements for intra EU movements of products of animal origin as currently laid down in Directive 2002/99/EC, including measures, treatments and certification to be applied in case of restriction for disease outbreaks.

C. Animal health requirements for entry into the EU of products of animal origin.

1) fresh meat from ungulates, poultry, wild leporidae and of certain wild land mammals and of farmed rabbits, as set out in Regulations (EC) No 206/2010, 798/2008 and 119/2009,

2) meat preparations, as set out in Decision 2000/572/EC,

Afternoon session (14.00 to 18.00)

3) meat products, as set out in Decision 2007/777/EC,

4) milk and milk products, as set out in Regulation (EC) No 605/2010,

5) composite products, as set out in Regulation (EC) No 28/2012,

6) products of animal origin for personal consumption, as set out in Regulation (EC) No 206/2009,

7) products covered by Directive 92/118/EEC (casings, blood etc.),

8) materials for the production of gelatines as set out in Regulation (EU) 2016/759.

D. Miscellaneous.

II. NOTES

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Aim of the Expert Group meeting

For many years, the Union has established animal health requirements for intra EU and international trade of products of animal origin in order to enable safe trade of such products. These animal health requirements are laid down in a number of legal acts which have been constantly updated to keep the EU animal health policy in line with the international standards (OIE, SPS) and the most recent science and to ensure a high level of protection from infectious animal diseases. The Animal Health Law was adopted in 2016 and provides a new legal framework for the animal health legislation. Based on this new law, all the existing legislation governing animal health needs to be repealed and replaced by new acts, which will be either delegated or implementing acts meant to supplement and integrate the law in the most detailed and technical matters.

The purpose of the meeting is to provide for a focused exchange of views, experience and good practices among representatives of the competent authorities of the Member States (MS) which are responsible for animal health, policy development and implementation in relation to movement within and the entry into the EU of products of animal origin.

The objective of the meeting is to facilitate discussions on the animal health requirements for movement within and entry into the EU of animal products, in order to help MS understand how the new legal framework will be structured and developed in this specific area. Furthermore the discussion will give the MS an opportunity to provide technical feedback to the Commission on this matter.

The new legal framework for products of animal origin will supplement the provisions laid down in the Animal Health Law and will consist of:

- One or more **delegated acts**, which will lay down in detail the **animal health requirements** for movements within the EU and the entry into the EU of animal products,
- One or more implementing acts, which will establish the lists of third countries authorised for the entry into the EU of consignments of animal products and the certificates which shall accompany such consignments.

Points for discussion

A. Definitions related to products of animal origin

So far, in the existing animal health legislation on the movements within the EU and the entry into the EU of products of animal origin, definitions which are relevant for products of animal origin are mostly referred to the definitions set out in the public health legislation, in particular in Annex I to Regulation (EC) No 853/2004.

However, in certain cases those definitions are not taking into consideration or properly addressing the particular needs which are connected with the animal health risks of those products.

Examples: Are tendons offal or part of the carcass? Is the head part of the offal? Is the head to be separated from the carcass?

Under the Animal Health Law, definitions should be laid down in the relevant delegated act(s). Therefore the current definitions could be maintained or new definitions can be adopted.

Points for discussion:

a) Do current definitions, which are laid down in public health legislation, allow to addressing the animal health risks of such products appropriately?
b) Is there a need for new definitions?
c) Have you experienced difficulties in the past, either by moving products of animal origin within the EU, or in import? If yes, for which products?
d) Is there a need to change/adjust definitions in these cases?

B. Intra EU movements of products of animal origin

The animal health requirements for movements within the EU of products of animal origin are currently laid down in Directive 2002/99/EC, in particular in Article 3 (general animal health requirements) and Article 4 (derogations) thereof.

The general principles laid down in Directive 2002/99/EC have been established in paragraphs 1 and 2 of Article 166 of the Animal Health Law, laying down requirements for operators to take appropriate preventive measures to ensure that the production, processing and distribution within the EU of products of terrestrial animal origin do not spread listed and emerging diseases. Furthermore, requirements are set for operators to ensure, that the products are obtained from animals coming from establishments which are not subject to restrictions.

In accordance with paragraphs 3 and 4 of Article 166, detailed requirements to supplement those general measures should be laid down in delegated acts. Such supplementing requirements should concern preventive and risk mitigating measures and restrictions on movements of products.

Such delegated act(s) will therefore include the requirements from Directive 2002/99/EC which have not been laid down in the Animal Health Law. Those consist of the provisions in Article 4 of Directive 2002/99/EC, currently establishing (by way of derogation) that products of animal origin from areas under restriction due to outbreaks of listed animal diseases, may be authorised

by the CA for placing on the EU market, if they undergo one of the risk mitigating treatments set out in Annex III to Directive 2002/99/EC. Furthermore, when this option is applied, the fresh meat intended for heat treatment needs to be marked with an oval stamp bearing a diagonal cross. It may not be placed on the market as fresh meat (neither national nor within the EU). Following the prescribed treatment, it is eligible for the EU market and can be marketed with the oval health mark.

For poultry meat the provisions are different. Fresh poultry meat sourced from slaughter poultry from holdings located in a zone under restrictions due to highly pathogenic avian influenza or Newcastle disease may be marketed as fresh poultry meat provided the slaughter poultry meets certain animal health requirements such as favourable results to laboratory testing and it stays on the national market. The fresh meat must bear an identification mark (cross stamp or alternative identification mark). It appears that the link between the provisions under the disease control Directives and the trade Directive are not sufficiently clear as regards marketing without prior treatment and identification of the fresh meat (size of mark and public health information).

The intention is to maintain the existing approach, which has proven to give enough flexibility to MSs in the occurrence of infectious diseases. However, the list of diseases should now refer to diseases listed under the Animal Health Law and this will probably trigger certain changes.
On the other hand, at this stage no major changes are foreseen as regards the treatments of products of animal origin currently set out in Annex III to Directive 2002/99/EC, as those treatments have been kept updated and are largely in line with those set out by the OIE.

Points for discussion:

a) Clarification and alignment with the Animal Health Law of the meaning of "area under restriction" (different for different diseases and applied on the basis of different legislation, e.g. disease control Directives / protection measures vs trade Directive). In practical terms, clarification of the borderlines between the disease control rules and the animal health requirements related to movements of products of animal origin in the EU.
b) In light of above, is there a need for possible improvement of list of treatments currently set out in Annex III of Directive 2002/99/EC (discrepancies, un-clarity, incompleteness or mistakes)?
c) What are the experiences for marketing poultry meat in case of disease outbreaks?

C. Entry into the EU of products of animal origin.

Background and overview

The current animal health requirements for entry into the EU of products of animal origin are laid down in different legal acts, as listed below.

Those animal health requirements have proven to be effective in protecting the EU against the introduction of infectious animal diseases -at least for legal imports- and have been constantly updated to take into account new experiences, new scientific knowledge and international standards.

Therefore, major technical changes of the animal health requirements seem not to be necessary. However, mistakes, inconsistencies and discrepancies noted in the past in the implementation of these policies should be addressed.

The general principles for the entry into the EU of products of animal origin as established in Directive 2002/99/EC are now laid down in the Animal Health Law (listing of third countries, etc.). However, following the adoption of the Animal Health Law, the structure of the animal

health requirements for the entry into the EU should be revised. Based on Article 234(2) of the Animal Health Law, the animal health requirements for the entry into the EU of products of animal origin shall be established in delegated acts.

Currently, the detailed technical animal health requirements (FMD guarantees, residence of animals, treatments, supplementary guarantees, etc.) are established mostly in the models of certificates for the introduction into the EU of the relevant products.

Following the provisions in the Animal Health Law, all these animal health requirements must be established in delegated act/s and therefore laid down in its articles or annexes. The scope of the legislative exercise is to "transform" the requirements from the model certificates into legal text in a delegated act/s.

Current acts set out the animal health requirements for the entry into the EU of products of animal origin of different species (ungulates, poultry etc.) and for different commodities (fresh meat, meat products etc.):

- fresh meat from ungulates in Regulation (EC) No 206/2010;
- fresh meat and other products from poultry in Regulation (EC) No 798/2008;
- fresh meat from wild leporidae, of certain wild land mammals and of farmed rabbits in Regulation (EC) No 119/2009;
- meat preparations in Decision 2000/572/EC;
- meat products in Decision 2007/777/EC;
- milk and milk products in Regulation (EC) No 605/2010;
- composite products in Regulation (EC) No 28/2012.

1) Fresh meat

Fresh meat:

- from ungulates in Regulation (EC) No 206/2010
- and other products from poultry in Regulation (EC) No 798/2008
- from wild leporidae, of certain wild land mammals and of farmed rabbits in Regulation (EC) No 119/2009

No major changes of the animal health requirements for the entry into the EU are foreseen, except those possibly originating from the listing of diseases under the Animal Health Law.

Example:
Leporidae may end up amongst animal species for which no relevant animal diseases would be listed for EU intervention under AHL, and thus no measures would be taken for leporidae or any products thereof, subject to the animal health legislation. Of course, public health requirements in accordance with the hygiene package will still remain in place.

Points for discussion:

a) MSs are asked to put forward any comment or suggestions for improvements of technical requirements.

b) MS are asked to signal any observed mistakes, discrepancies or unclear aspects in the existing legislation, which could be addressed by this exercise.
c) Can you anticipate any problems if there were no animal health requirements for the entry into the EU of fresh meat of leporidae?

2) Meat preparations (Decision 2000/572/EC)

No major changes of the requirements for entry into the EU are foreseen.

Points for discussion:
a) Currently the certificate model only provides for an attestation that the meat preparations have been prepared with fresh meat which is eligible for export to the EU and obtained in the exporting country.
b) Possible problems as regards triangulation, e.g.:
   - should the EU allow the use of fresh meat from an authorised third country/EU which is different from the one where the meat preparations are obtained?
   - should the EU continue allowing the use of fresh meat eligible for export to the EU only when the fresh meat is de-boned and matured or should we be consistent with the requirements for meat products ?

3) Meat products (Decision 2007/777/EC)

No major changes of the requirements for the entry into the EU are foreseen as regards the treatments.

As regards triangulation:
The current model of certificate for the entry into the EU of meat products is not clear about the origin of the fresh meat which has been used in the processing of meat products.

In some cases, fresh meat from a third country is exported to a second third country where it is processed into meat products for export to the EU. This practice, the so-called "triangulation", is also applied by the industry in the MSs.

Example: EU operators send EU fresh meat to third countries to be processed and subsequently the finished products are sent back to the EU.

The modalities of this sort of "triangulation" should be clarified in the new legislation in order to allow third countries to use fresh meat imported from other third countries or from the EU MSs in a logical and safe manner from the animal health perspective, taking into account that each third country has a treatment[1] assigned based on its animal health situation.

To address this, the following is proposed:

Third countries which are listed with treatment A[2] (No specific treatment, i.e. countries already authorised to export to the EU bone-in fresh meat from ungulates and fresh meat for other species as poultry, rabbit etc.), should be authorised to use:
- their own fresh meat

[1] Treatments as set out in Decision 2007/777/EC
[2] Treatment A as set out in Decision 2007/777/EC

- fresh meat from another TC with treatment A
- fresh meat from the EU
- fresh meat from other listed TCs and they apply F03

Third countries which are listed with a specific treatment should be authorised to use:
- their own fresh meat, and apply the assigned specific treatment
- fresh meat from the EU, and apply the assigned treatment
- fresh meat from third countries with treatment A, and apply the assigned treatment
- fresh meat from other listed third countries, and they apply F03

Points for discussion:
a) MSs views and suggestions on the proposal described above as regards triangulation.
b) Some TCs have requested that raw materials or processed products from one part of the TC can be processed or used in another part of that TC, which has a different AH status. Discussion:
What to require in terms of procedures and controls for processing in the second part of the TC?

In order to further clarify the subject of the discussion, some schematic examples of triangulation are included in Annex I.

4) Milk and milk products (Regulation (EC) No 605/2010)

No major changes of the requirements for the entry into the EU are foreseen.

Points for discussion:
a) The issue of "triangulation" with regard to origin of the milk to be used in the processing of milk products intended for the entry into the EU, as explained for meat products. MSs are asked to share their views, taking into account that traceability for milk might represent a further obstacle.

5) Composite products (Regulation (EC) No 28/2012)

Composite products consist of processed products of animal origin mixed with products of plant origin.

The requirements for the entry into the EU of composite products need to take into account both the animal health and the public health risks of those products. At the same time a special regime of border controls linked with those risks in connection with the effective capacity of the border posts to perform the controls has to be considered.

The legislation in force provides for import requirements and certificate model covering both animal and public health (Regulation (EC) No 28/2012) and rules and derogations for border controls (Decision 2007/275).

This legislation covers simultaneously the following 3 aspects:
(1) the animal health import requirements
(2) the public health import requirements
(3) the import control requirements.

These are sometimes mixed: e.g. exemptions to the import controls determine the definition of what is exempted from the animal or public health requirements as it should not represent a risk. In addition there is no clear distinction on measures based on animal or public health concerns.

With the new legal framework based on the Animal Health Law and on Regulation (EU) 2017/625 on official controls (OCR Regulation), the three aspects need to be separated, taking account of the existing rules in the Animal Health Law for the animal health risks, in the hygiene package (Regulations (EU) No. 852 and 853 of 2004) for the public health risks and the new OCR for the risk-based approach to official controls at the border control posts.

Consequently, the animal health requirements for the entry into the EU of composite products will be established in a delegated act under the Animal Health Law and the public health requirements will be established under the hygiene package. Depending on those requirements, the OCR-based delegated act will determine which composite products will be controlled at the border control posts.

The existing import requirements for composite products have, since their adoption, caused a number of problems of interpretation by operators, third countries competent authorities and border control posts, leading sometimes to micro-management of single consignments or type of products. The review of this part of EU legislation should aim at solving as much as possible those problems in order to grant a smoother and more efficient management by all involved actors. In addition, provided that the clarifications proposed in the Guidance Document for composite products have helped the Member States to reach some common understanding, those interpretations need now to be established in legal acts.

Points for discussion:

a) Which types of composite products representing an animal health risk?
b) Which types of composite products representing animal health risk, which need an animal health certificate for entry into the Union?
c) Which products not representing an animal health risk and which derogations to the animal health requirements should be applied?
d) Origin and triangulation of processed animal products used in the preparation of composite products (similar to meat products in point 5 above);
e) Entry into the EU of composite products, containing processed products of EU origin.

NB: this issue will be further considered in the development of delegated and implementing acts based on the hygiene package and the OCR.

6) Entry into the EU of products of animal origin for personal consumption.

Regulation (EC) No 206/2009 establishes the quantities of product of animal origin for personal consumption which are exempted from the veterinary controls at border control posts.

For fresh meat, meat products, milk and milk products such quantities are set at 0 due to their animal health risk, which means that no derogations from controls are allowed.

Different quantities are set for other products (fishery, honey etc.) and derogations are also provided for infant food and some other products.

The Regulation also provides for posters to be displayed at entry points, leaflets for the public and, most importantly, gives a legal base to MSs authorities to adopt further means of communication and take measures in case of breaching the rules.

The new legal framework consisting of the Animal Health Law and the OCR, provides a legal basis to derogate from the animal health requirements on one hand, and border controls for products of animal origin for personal use, on the other hand.

If no derogations concerning animal health risks are established in the rules under the AHL and no derogations concerning official controls are established in the rules under the OCR, all products, including the ones for personal consumption, need to be controlled at the border control posts and fulfil all import requirements.

Points for discussion:

a) Should the existing derogations be taken over in the new delegated act for entry into the EU and in the OCR-based delegated act?
b) Should provisions for posters and leaflets still be laid down in the future legislation?

7) Products covered by Directive 92/118/EEC (casings, blood etc.)

Directive 92/118/EEC will be repealed by the Animal Health Law.
This Directive has been amended several times, and both the animal and the public health requirements have been reviewed or repealed when new legislation replacing those requirements have been adopted.

All public health requirements have already been taken over by the Hygiene Package.
Therefore, only the animal health requirements for the entry into the EU of those products which are laid down in that Directive should be transferred to a delegated act under the Animal Health Law.
The following products are covered by Directive 92/118:

- Blood for human consumption
- Bones and bone products (excluding bone meal), horns and horn products (excluding horn meal) and hooves and hoof products (excluding hoof meal) intended for human consumption
- Processed animal protein intended for human consumption
- Blood and blood products of ungulates and poultry
- Lard and rendered fats intended for human consumption
- Rabbit meat and farmed game meat intended for human consumption

These products are already covered by existing import legislation which will be transferred into the delegated and implementing acts.

Points for discussion:
None, unless MSs have different views or suggestions.

8) Materials for the production of gelatines Regulation (EU) 2016/759.

Commission Regulation (EC) No 2074/2005 establishes implementing measures for certain products under Regulation (EC) No 853/2004, amongst other materials for the production of gelatine and collagen. That Regulation was amended in April 2016 by Commission Implementing Regulation (EU) 2016/759, introducing new requirements for raw materials and treated raw

materials for the production of gelatine and collagen for the purpose of entry into the Union, and an updated list of third countries approved for such import.

The animal health requirements laid down in Regulation (EC) No 2074/2005 should be transferred to a delegated act under the Animal Heath Law.

Points for discussion:
None, unless MSs have different views or suggestions.

D. Miscellaneous.

Annex I
Examples of triangulation

1

The current import policy: (EU ->TC ->EU)

The current policy provides for a specific treatment proportionate to the risk represented by the exporting (processing) TC, to be applied to meat and milk products, also when the raw materials are of EU origin. This is to eliminate the risk that the EU products are mixed up with the TC products.

This current policy is not clear from the import certificates, but is seen when the country are authorised and listed with a specific treatment.

This is a challenge, as for example, EU fresh poultry meat exported to Morocco for processing should be treated with a treatment B (Fo3 – sterilised in hermetic containers) to re-enter the EU.

2

The current import policy: (TC(1)->TC(2)->EU)

This is currently allowed only for the preparation of composite products and limited to TCs (1 and 2) with treatment A or B for milk products and treatment A for meat products.

Requests for this kind of triangulation have been received from TCs (e.g. Singapore, Taiwan) that currently cannot use this option, as they have to treat the products with more severe treatments than mentioned above. These TC would like to process raw materials originating from other TCs which are authorised to introduce the raw materials into the EU (e.g. fresh meat from New Zealand processed in Singapore – milk from Canada processed in Taiwan).

3

(EU + TC(1) -> TC(2) -> EU)

This is a combination of scenario 1 and 2 and should be dealt with as scenario 2.

4

There is a request from TCs that raw materials or processed products from one part of the TC can be processed or used in another part of that TC, which has a different AH status.

Annex II
References

Council Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption.

Council Directive 92/118/EEC of 17 December 1992 laying down animal health and public health requirements governing trade in and imports into the Community of products not subject to the said requirements laid down in specific Community rules referred to in Annex A (I) to Directive 89/662/EEC and, as regards pathogens, to Directive 90/425/EEC.

Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation).

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').

Regulation (EC) No 852/2004 of the European parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs.

Regulation (EC) No 853/2004 of the European parliament and of the Council of 29 April 2004 laying down specific hygiene rules for on the hygiene of foodstuffs.

Commission Implementing Regulation (EU) 2016/759 of 28 April 2016 drawing up lists of third countries, parts of third countries and territories from which Member States are to authorise the introduction into the Union of certain products of animal origin intended for human consumption, laying down certificate requirements, amending Regulation (EC) No 2074/2005 and repealing Decision 2003/812/EC.

Commission Regulation (EU) No 28/2012 laying down requirements for the certification for imports into and transit through the Union of certain composite products.

Commission Regulation (EU) No 605/2010 of 2 July 2010 laying down animal and public health and veterinary certification conditions for the introduction into the European Union of raw milk, dairy products, colostrum and colostrum-based products intended for human consumption.

Commission Regulation (EU) No 206/2010 of 12 March 2010 laying down lists of third countries, territories or parts thereof authorised for the introduction into the European Union of certain animals and fresh meat and the veterinary certification requirements.

Commission Regulation (EC) No 206/2009 of 5 March 2009 on the introduction into the Community of personal consignments of products of animal origin and amending Regulation (EC) No 136/2004.

Commission Regulation (EC) No 119/2009 of 9 February 2009 laying down a list of third countries or parts thereof, for imports into, or transit through, the Community of meat of wild leporidae, of certain wild land mammals and of farmed rabbits and the veterinary certification requirements.

Commission Regulation (EC) No 798/2008 of 8 August 2008 laying down a list of third countries, territories, zones or compartments from which poultry and poultry products may be imported into and transit through the Community and the veterinary certification requirements.

Commission Decision (EC) No 2007/777/EC of 29 November 2007 laying down the animal and public health conditions and model certificates for imports of certain meat products and treated stomachs, bladders and intestines for human consumption from third countries and repealing Decision 2005/432/EC.

Commission Decision 2007/275/EC of 17 April 2007 concerning lists of animals and products to be subject to controls at border inspection posts under Council Directives 91/496/EEC and 97/78/EC.

Commission Decision 2000/572/EC of 8 September 2000 laying down the animal and public health and veterinary certification conditions for imports of meat preparations into the Community from third countries.