

Minutes of the meeting of the expert group to discuss a working document in relation to a draft delegated act supplementing Regulation (EU) 2016/429 as regards registration of transporters and approval of certain establishments keeping terrestrial animals

21 February 2018, Brussels

1. APPROVAL OF THE AGENDA

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

On the day of the meeting the Commission also distributed the word version of the table of contents in pages 2 and 3 of the document that contains information on the Articles of the AHL providing the legal basis for each provision of the document and those referring to the establishments or operators concerned by the provisions.

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

The Commission delivered a presentation on the general context of the document related to a draft delegated act 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) and its place amongst the other delegated acts in preparation.

The Commission pointed out that the document corresponds to one part of the future delegated act on *registration of transporters and approval of certain establishments keeping terrestrial animals, and identification and registration of animals*. The second part on identification and registration of terrestrial animals is still under preparation.

The Commission highlighted that the document is incomplete as recitals have yet to be inserted and a number of definitions are still missing. The Commission informed that the use of cross-references to the AHL should be avoided since it makes the document very difficult to read and understand on a stand-alone basis.

The Commission explained the methodology used to draft the document and in particular which empowerments the AHL confers on the Commission in relation to registration and approval of establishments keeping terrestrial animals.

The Commission reminded the experts that while the provisions regarding registration and approval of establishments keeping terrestrial animals are laid down in Articles 84 to 107 of the AHL, the empowerments to adopt delegated acts in relation to registration and approval of establishments keeping terrestrial animals are laid down in Article 87(3) – registration of transporters, Article 94(3)(a) and (b) and Article 97(2) – conditions for granting approval of establishments, Article 101(3) – registers to be kept by the competent authorities and Article 106(1) – record-keeping obligations of operators.

The Commission explained that most of the provisions of the document have been taken from existing EU legislation for ease of reference, and that it is the aim of the meeting to explore with the experts the necessary modifications of those provisions.

3.2. Exchange of views with experts on the document

The Commission presented the document, article by article, and experts were invited to express their comments or concerns regarding each of the articles.

3.2.1. Title I: registration of transporters of poultry, hatching eggs, dogs, cats, ferrets and of animals kept in confined establishments

The Commission presented the optional empowerment in Article 87(3) of the AHL which gives the possibility for the Commission to adopt provisions regulating the registration of transporters engaged in the transportation between Member States or between a Member State and a third country of other animals than ungulates.

The Commission explained that the proposed provisions in Articles 3 and 4 of the document mirror the provisions applicable to transporters of ungulates laid down in Article 87(1) and (2) of the AHL.

One expert suggested applying for Articles 3 and 4 of the document the format of drafting used in Article 87(1) and (2) of the AHL, *i.e.* two paragraphs.

At the request of two experts, the Commission clarified that "animals kept in confined establishments" are those referred to in Article 13 of Directive 92/65/EEC and Annex C thereto, "confined establishments" being the term used in the AHL to replace the term "institutes, bodies and centres" used in Directive 92/65/EEC.

At the request of several experts the Commission explained the difference between the registration obligations in the AHL of transporters engaged in the transportation of animals between Member States or between a Member State and a third country and the authorisation granted pursuant to Regulation (EC) No 1/2005 on the protection of animals during transport. The latter applies to the transport of live vertebrate animals until they reach their destination and the authorisation issued in accordance with Articles 10 and 11 thereof includes a validity period. The training of personnel of transporters on the handling of animals is also an obligation under Regulation (EC) No 1/2005. The AHL only requires transporters to inform the competent authority and provide information regarding the planned transportation before they commence their activities.

In this context, the Commission also reminded that Article 101(2) of the AHL gives the possibility to competent authorities to combine the registration under the AHL with the registration for other purposes.

3.2.2. Title II: approval of establishments

The Commission presented Article 97(2) of the AHL which empowers the Commission to adopt the conditions for granting approval of establishments referred to in Article 94(1)(a), (c) and (d) and Article 95 of the AHL and the optional empowerment in Article 94(3)(b) which gives the possibility to the Commission to define other types of establishments than those referred to in the aforementioned Articles [Article 94(1)(e)] for which an approval is required, and in combination with the empowerment in Article 97(2) of the AHL, the conditions for granting such approval.

Chapter 1:

One expert highlighted the need to add in Article 5 of the document an obligation on operators conducting assembly operations to ensure that assembled ungulates have the same health status. This obligation already exists in Article 134 of the AHL.

One expert spotted a mistake in Article 7 of the document – *Hatcheries* – which should not include a condition to implement a surveillance programme for the infections with Salmonella.

Several experts suggested better defining the operating procedures and the terms "facilities" and "use" in relation to cleaning and disinfection, and including conditions on personnel hygiene for establishments subject to approval. They also proposed to clarify on whom lies the record-keeping obligation and to reword the introductory sentence of each article of Title II - "shall only grant approval" - that appeared misleading.

The Commission took note that for legal coherence, Article 6 of the document - *assembly operations of hatching eggs* - should be placed in Chapter 2 of Title II of the document together with establishments referred to in Article 94(1)(e) of the AHL.

Chapter 2:

The Commission explained that all establishments in this Chapter are new and the structure of each article of this Chapter is similar.

Some experts expressed the need to better define establishments for assembly operations of dogs/cats/ferrets *versus* shelters in respectively Article 9 and 10 of the document and to lay down conditions which are more adequate for these kinds of establishment. The Commission took note and wished to remind experts that the establishments referred to in Article 9 and 10 of the document are only those involved in intra-Union trade.

Chapter 3:

One expert pointed out that the conditions for granting approval of status of confined establishments should not only refer to animals but also to germinal products.

3.2.3 *Title III: register to be kept by the competent authorities*

The Commission presented the optional empowerment in Article 101(3) of the AHL which gives the possibility to the Commission to lay down the information to be included in the register to be kept by the competent authority. The information in the proposed provisions of the document is similar to the information which should be provided by the operators before they commence their activities in accordance with Articles 84, 87, 90 and 96 of the AHL.

Chapter 1:

One expert considered that "geographical coordinates" which appears in a couple of Articles of this Chapter is not relevant for all establishments and should be supplemented by the "*physical* address". The Commission agreed to verify the relevance of all information proposed to be included in the register, especially for the register of establishments keeping terrestrial animals in Article 15. But the Commission considers that the information to be included in the register should at least be the one the competent authority has received from the operator.

The question was raised whether small establishments with one animal should be included in the register to be kept by the competent authority. The Commission clarified that all establishments and operators (pet keepers and veterinarians are

excluded) registered with the competent authority should be included in the register. However, the AHL provides that the Commission shall, by means of an implementing act, lay down rules concerning the types of establishments that may be exempted by the Member States from the registration requirement.

Chapter 2:

For confidentiality reasons several Member States suggested restricting the information to be made public in accordance the third subparagraph of Article 101(1) of the AHL. The Commission agreed to scrutinise what should be published or not.

3.2.4 Title IV: record-keeping obligations of operators

The Commission presented the optional empowerment in Article 106(1) of the AHL which gives the possibility to the Commission to lay down the information to be recorded by operators, in addition to that provided for in the AHL for the relevant establishments or operators.

The Commission is aware that the proposed information to be recorded that mirrors the information in existing EU legislation may be outdated or not linked to animal health issues only and should also be combined across species when there is no reason to include different information. Experts are therefore informed that the Commission may envisage in the final document to merge some of the articles especially those referring to establishments keeping ungulates.

4. CONCLUSIONS/RECOMMENDATIONS/OPINIONS AND NEXT STEPS

The Commission obtained useful information and experience from experts on the issue of registration and approval of establishments which still have 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 on the document by **5 March 2018** in order to best accommodate their technical views.

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 the document.

5. NEXT MEETING

The next meeting has been provisionally scheduled for **20 March 2018** to discuss a revised document and possibly present a working document on the second part of the future delegated act in relation to identification and registration of animals.