

Minutes

of the meeting of the expert group on animal health requirements

for intra EU movements and the entry into the EU of products of animal origin

2 October 2017, Brussels

1. Approval of the agenda

An annotated draft agenda¹ was circulated prior to the meeting and agreed at the beginning.

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 the absence of the European Council and the European Parliament.

3. List of points discussed

1. Introduction, opening

The Commission explained how the subject of the meeting was related to the preparation of delegated and implementing acts of Regulation (EU) 2016/429 on transmissible animal diseases (AHL). The animal health rules in the AHL for movement within the EU and for the entry into the EU of products of animal origin, will be complemented by more detailed rules for both intra-EU movements and for entry into the EU, in order to continue with safe trade of products of animal origin from 21 of April 2021, where the AHL will start applying.

The Commission stressed the importance at this stage of the process of having feedback and inputs from the Member States on the risk and risk mitigating measures and other issues relevant for the products of animal origin, to see how best to accommodate them under the new legislative regime.

The Commission representative of Directorate F [delivered a presentation](#) on experiences and findings from audits in the area of animal health conditions for trade and import of products of animal origin.

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:

¹ Link to the annotated agenda

A. Definitions of different products of animal origin.

Presentation delivered by the Commission representative.

The Commission explained that in the existing animal health legislation, definitions which are relevant for products of animal origin are mainly referred to the definitions set out in the public health legislation, in particular in Annex I to Regulation (EC) No 853/2004. In certain cases those definitions do not address the particular needs connected with the animal health risks of specific products.

The Commission presented some examples of definitions (e.g. "carcase" and "offal") where the animal health risk was not properly considered and suggested in those cases to have definitions dedicated to address the animal health risks. Where both a definition for public health and animal health would exist for a product, the most restrictive definition would be the limiting one for the entry into the EU of the product of animal origin.

One Member State expressed concerns that different definitions for public and animal health reasons could cause confusion for the import control.

Several Member States reminded that different definitions for public and animal health already exist today and the border inspections posts can deal with that. They supported that the definitions necessary for animal health reasons should be maintained, and as necessary established.

No Member States voiced any difficulties experienced with other definitions, when moving products of animal origin within the EU or into the EU. The Commission encouraged the Member States to provide written feedback.

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.

Presentation delivered by the Commission representative.

As regards intra EU movements of products of animal origin, the Commission explained that the general requirements have been established in the Animal Health Law. This concerns requirements for operators to ensure that the production, processing and distribution within the EU of such products do not spread listed and emerging diseases, and to ensure that the products are obtained from animals coming from establishments not subject to restrictions.

The detailed requirements on preventive and risk mitigating measures and restrictions on movements of products of animal origin will be laid down in delegated acts. This will include provisions for products of animal origin coming from areas under restriction which may be authorised for placing on the market, if they undergo a risk mitigating treatment and is marked with a special health mark. Such requirements can be laid down in the same (one) delegated act or in the delegated act(s) for control of the specific diseases.

The Commission further explained that some risk mitigating treatments were required for public health reasons and could be less severe for animal health reasons (e.g. 80°C salmonella/70°C FMD virus) and furthermore that the relevant import certificates currently have a safeguard for FMD, as EU does not import products of animal origin from third countries with FMD outbreaks.

Those Member States which spoke, did not express any clear preference for how/where to lay down the risk mitigating treatments, but the preference seemed to be to have the disease specific requirements for movements of products of animal origin out of restriction zones in the same delegated act(s) as the provisions for the disease control.

As regards the risk mitigating treatments to be applied to products of animal origin in cases of outbreaks, Member States did not have any suggestions for improvement of the existing list of treatments, currently set out in Annex III of Directive 2002/99/EC. One Member State found that a common list of available treatments would be useful and that the existing safeguards in the certificates should be maintained.

As regards the special health mark for poultry meat, some of the Member States had experienced certain difficulties during outbreaks of avian influenza. The Commission raised the question of a special stamp dedicated to animal health instead of a cross on the oval stamp, this is to be reflected on by the Member States.

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 .

The subject from the certificates for import of fresh meat on "40 days residency in the last holding of the animals before slaughter" was raised. Those Member States which spoke expressed the opinion that the 40 days was not to be seen as a "standstill" for the holding, but for the least period of residence of the animal in the last holding before slaughter.

The issue of the re-entry of consignments of EU origin which have been rejected in a third country was raised, and furthermore the situations with fresh meat intended for entry into the EU originating from one third country and transited through and maybe temporarily stored in another third country, before the shipment to the EU. The latter could include an agreement between the two involved third countries and is currently not covered by the existing EU legislation.

The Commission encouraged the Member States to reflect on these issues and provide written feedback.

- 2) Meat preparations, as set out in Decision 2000/572/EC.

The Commission explained the situation for meat preparations which currently can enter into the EU from third countries authorised for import into the EU of fresh meat. The Commission raised an issue of inconsistency and traceability, as for third countries which are authorised for export of fresh meat subject to deboning and maturation, the meat products must be subjected to a treatment, which is not required for the meat preparations.

- 3) Meat products, as set out in Decision 2007/777/EC.

[Presentation delivered by the Commission representative.](#)

The current legislation does not clearly address the origin of the fresh meat used for the production of the meat products. This refers to the fresh meat which has been subject to triangulation before being used for the production of meat products or to the specification for the

treatment of fresh meat subjected to specific conditions (e.g. deboning and maturation) and used for production of the meat products. As the industry in both EU and third countries seems to have a growing need for triangulation, the rules should now be clarified and improved.

The presentation highlighted these issues of origin and triangulation of the fresh meat used in production of the meat products and proposed a way to address this issue of treatment which will be laid down in the future delegated act for entry into the EU.

Several Member States expressed support to the way forward proposed by the Commission. One Member State flagged the concern, that a requirement for treatment "B" in a third country which is authorised with a less severe treatment, could be a bit challenging for that third country as the treatment probably will have to be carried out in another establishment.

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

The issue of triangulation is also relevant for milk and milk products. The Commission suggested the same approach to the one for the meat products. However, traceability is another challenge for milk.

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

[Short presentation delivered by the Commission representative.](#)

The Commission representative emphasized that the topic for the discussion was "the animal health requirements" for the entry into the EU of composite products based on the risks for animal health caused by those products – not "public health requirements" which are covered by the "hygiene package" or "control" provisions which will be covered by the Official Control Regulation (Regulation (EU) 2017/625²) by a delegated to be laid down on its basis.

Discussion and clarification of the current approach with a 50% limit for control of some composite products took place. A Commission representative elaborated on the explanation for the possibility for controls of composite products at the border control posts, in the future context of the Official Control Regulation.

From an animal health point of view meat products and not self-stable milk products present an animal health risk. This risk is not related to the amount of those ingredients in the composite products, so establishing a threshold for the content of those products in the composite product and to relate this to the control is neither relevant nor useful. Those products should always be subject to animal health requirements for the entry into the Union and consequently controlled.

On the other hand, composite products which do not represent any animal health risk should not be subject to any animal health requirements for the entry into the Union. (But such products can be subject to public health requirements and control).

² 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)

Triangulation is of concern also for composite products. The Commission suggested having the same approach for triangulation of composite products containing processed ingredients of animal origin which represent an animal health risk, as for the meat and milk products. The opinion of those Member States which spoke was supportive for the approach suggested by the Commission.

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

The discussion was focused on the current possibility to derogate from the control of such products at the border control post. Either animal health requirements for the entry into the EU must have been established and be controlled or the derogation must have been provided.

A new legal basis is established in the legal framework of the Animal Health Law and the Official Control Regulation, providing a possibility for on one hand to derogate from the animal health requirements and on the other hand to derogate from the border controls of products of animal origin for personal use.

Furthermore, the issue of providing for posters to be displayed at entry points, leaflets for the public and a legal base for Member States authorities to adopt further means of communication and to take measures in case of breaching the rules was discussed.

Several Member States expressed the opinion that both the possibility to derogate and the provisions for communication material etc. should be maintained in the new legal framework.

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

The Commission asked for input from the Member States on whether additional animal health requirements for those products were necessary and whether more products should be covered. Member States agreed that there is no need for animal health requirements for the products still listed in the Annexes of Directive 92/118/EEC. However, animal health requirements for the entry into the EU of casings, lards and rennet were deemed necessary. In particular for casings a definition should be laid down, while for rennet destined to the food chain animal health import requirements should be established.

No suggestions for additional animal health requirements or for regulation of further products were put forward.

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

The current animal health requirements for entry into the EU of gelatines and collagen are laid down in quite recently adopted legislation and the Commission explained that, in its views, no changes in that policy area are necessary. The Member States had no comments to the existing provisions and agreed on the Commission proposed line.

D. Miscellaneous.

No point discussed.

4. Conclusions/recommendations/opinions

The Commission obtained useful information on the current situation in the EU as regards the animal health requirements for the entry into the EU of products of animal origin and of the view

of Member States on issues which have to be addressed in the future legislation. In this respect, especially the views from the Member States on the proposal from the Commission on triangulation were very useful.

Such inputs are important for the Commission in this early phase of drafting of the future delegated and implementing act(s) for the entry into the Union of products of animal origin, to be able to address the unclear or missing part of the currently legislation.

A follow up expert group meeting is required to discuss a draft legal text, but this might be organised in a broader context dealing with the subject of the entry into the Union of products of animal origin, germinal products and live animals.

Member States were asked to provide written comments and to send them to the Commission not later than 24 October 2017.

5. Next steps

The outcome of the discussion and opinions provided by the participants of this expert group will be used by the Commission during further Commission work towards delegated acts under the Animal Health Law, and as relevant in the context of the Animal Health and Welfare Section of the SCoPAFF.

6. Next meeting

The date for a further meeting will be established in first half of 2018.