EUROPEAN COMMISSION
HEALTH AND CONSUMERS DIRECTORATE-GENERAL

Veterinary and International affairs
Multilateral International relations

Brussels, 05.03.2014
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NOTE FOR THE FILE

Subject: **Minutes of the Expert Group on Veterinary Checks – 11.12.2013**

Present: **All Member States except Cyprus and Portugal**
Norway and Switzerland
Commission Personnel (COM): DG SANCO: Patricia Langhammer (G6), Bruno Saimour (G6), Matjaz Klemencic (G2), Stephen Curzon (E5), Marc Cronin (F5)

Introduction

After the distribution of the Agenda, several points were added at the beginning of the meeting – Agenda as attached.

DE asked about the validity of US establishments for fisheries listed in Decision 2006/199/EC. COM explained that this list is outdated and reminded that all the lists of approved establishments in Third Countries are included in TRACES.

DE, supported by NL, pointed out that the certificate for casings in Decision 2003/779/EC does not match the official model laid down in Decision 2007/240/EC and that it does not integrate the TSE attestation of Regulation (EC) No 999/2001. COM agreed and answered this point should be raised in SCFCAH when the draft Decision updating the casing certificate will be discussed. COM informed that they were informed of different layouts of casing certificates from Iran and asked Member States to provide examples in case they have experienced such problems.

BE asked if different import requirements should be applicable for frozen and for deep frozen products. COM postponed the answer as it is pending from the experts in charge of this hygiene point.

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. The import control chapter was presented on

04.11.2013 and on 09.12.20103 and discussions advanced to Article 61. The next session on the import control chapter will take place on 15 and 16 January 2014.

COM stated that it is not their intention to discuss changes for the text during the Expert Group but to provide clarifications as it seems from the contributions from MS in the Council meetings that there might be a need for that.

IT asked the reason why Section I (Articles 42, 43 and 44) cover also animals and animal goods considering both categories are subject to compulsory border controls in Section II. COM clarified that it is to keep a legal option in case that certain animals or animal products would not be controlled systematically at the borders in future. But for the time being, it is not the intention of the Commission to modify the current situation. NL asked if TRACES will be used for controls of Section I. COM answered that the future Information Management System (IMSOC), which will include TRACES, could cover both high risk goods and low/medium risk goods but the details need to be discussed further in the context of secondary legislation.

DE asked clarification about notification of goods to the competent authority and the documentary check to be carried out on goods as provided for in Article 43. COM replied that there s a legal bases to provide for pre-notification in secondary legislation. COM also clarified that with regard to the animals and goods referred to in Section I (Articles 42, 43, 44 of the proposal) it will be up to the MS to decide when and where controls should be performed. However, when a Member State decides to perform such a control it must then always ensure that a documentary check is carried out.

Concerning the specific rules for official controls in Article 49, COM was surprised that some MS asked for the deletion of the empowerment given to the Commission to derogate in case of transit. COM explained that without this empowerment, any transit and transhipment consignment would need a compulsory and full import control in a BCP and questioned, if this is really what MS are looking for. Otherwise, the representatives in Council should be briefed accordingly to be able to maintain the existing derogations for transit and transhipment.

DE questioned the link between the draft OCR and the draft Animal Health Law (AHL) concerning the requirements for import controls. COM answered that the draft OCR is mainly addressed to the competent authorities, with details on how official controls should be organised, whilst the AHL is addressed to importers and food business operators and requires them to respect the health requirements for imported animals and goods and to present them for import controls.

A discussion took place on the designation of official veterinarians being responsible for import controls as some MS stated that they should be responsible not only for animals but also for products of animal origin, while other MS supported flexibility to decide on their own. In addition, the derogation for consignments of fishery products should be maintained. COM replied that the draft OCR as it is currently phrased allows MS to designate veterinarians for controls on animal products.

NL asked why the suspension of a BCP (Article 61) should be notified and reflected in the list of BCPs. COM explained the difference between withdrawal of a BCP and suspension. Suspension is temporary and can be lifted rapidly when the BCP is ready to

re-open again. Withdrawal is stronger and a new and complete procedure of designation is needed when the BCP should be added to the list.

COM explained Articles 62 – 75 and informed that Article 73 has been co-ordinated with DG TAXUD. The provisions therein allow for exchange of information between TRACES and customs IT systems. This Article has to be seen in conjunction with Article 14, which defined the exchange of information between the food business operator (forwarding agent) and the BCP (TRACES). In reply to DE and BE COM clarified that there is no need for access to all data contained in the customs IT systems. The current wording is very general and allows the implementation of the Single Window concept. However, detailed provisions such as existing in Regulations (EC) NOs 136/2004 and 282/2004 will be discussed when the secondary legislation will be drafted.

DE questioned if the requirements for reduced frequency of physical checks following the Equivalence Agreements with NZ, US and other third countries are covered. COM replied this has to be seen with Articles 125 to 128.

NL asked if real time use of TRACES is necessary and COM confirmed. COM explained real time use is important for pre-notification and the 2nd part of the CVED to allow transmitting the relevant information for transhipments, transits and re-enforced checks as rapid as possible. In addition, TRACES will play a major role for the risk management of risk based physical controls.

COM invited MS to provide comments to Chapter V of the draft OCR by 10.01.2014.

2. COMPOSITE PRODUCTS

COM explained that they prepared in co-operation with the animal and public health colleagues the draft guidance document, which was distributed to MS on 09.12.2013. This is a first draft detailing import conditions and import controls applicable for composite products and other products, which are not considered to be composite products.

COM presented the content of the guidance and explained that it emanated from the various questions and contributions received from MS, third country authorities and importers on this subject. The guidance should answer most of the points that have been raised.

COM reminded that the composite products which are not subject to veterinary checks in BIPs have to be controlled regularly on the basis of the multi-annual national control plan as provided for by Article 15 of Regulation (EC) No 882/2004. Food business operators have the responsibility to guarantee the compliance of imported consignments and to provide the relevant documented evidence in case of control by the competent authorities in MS.

In reply to some MS questions COM clarified that the requirement for an approved residue control plan for the third country of origin of any processed or unprocessed product of animal origin emanates from the application of the Residue Directive (Directive 96/23/EC). On request of ES COM clarified that the food business operator is

responsible to ensure that the import conditions in Chapter 2.3 are fulfilled for each consignment exported to the Union.

COM invited MS to comment in writing and announced that the document will be also presented in the next working group for food hygiene.

3. RE-ENFORCED CHECKS IN TRACES

COM reminded MS that, according to Regulation (EC) No 2073/2005, Salmonella criteria in fishery products exist only for live bivalve molluscs, live echinoderms, live tunicates, live gastropods, cooked molluscs and cooked crustaceans.

Food category	Micro-organisms/their toxins, metabolites	Sampling plan (1)		Limits (2)	
		n	c	m	M
1.17 Live bivalve molluscs and live echinoderms, tunicates and gastropods	*Salmonella*	5	0	Absence in 25 g	
1.16 Cooked crustaceans and molluscan shellfish	*Salmonella*	5	0	Absence in 25 g	

Therefore, when a REC is in place for molluscs and/or crustaceans, the laboratory test should be applicable only to live molluscs, cooked molluscs and cooked crustaceans. For consignments consisting in any other category of molluscs and crustaceans (e.g. live crustaceans or frozen raw molluscs), MS shall contact the TRACES team to ask an exemption to the REC.

COM explained that consignments under a REC programme cannot be considered as normal consignments, but as a high risk consignments, as they are checked under suspicion. According to this principle, it can be rather confusing to apply a national random testing plan to such consignments. Moreover, the CVED template provides only one option for the laboratory testing: suspicion or random. REC consignments are tested under suspicion and they cannot be released until the laboratory results are available. However, if a random testing plan was applied on a REC consignment, the CVED cannot be validated until both test results, the ones for random and REC tests, are available.

NL commented that a minimum of 10% weight is not always very appropriate to exclude smaller consignments from a REC. This should be reviewed to establish a fixed minimum weight instead. COM agreed to reflect on improvements regarding the consideration of the weight in future.

4. OTHER TRACES ISSUES

The new TRACES version 6.10.00 was released on the evening of 10.12.2013. Besides various updates in the different modules in TRACES, changes relevant for BIPs are the following:

For transhipments, it is now possible to introduce in box 10 of the CVED a non-listed establishment. For transhipments of non-conforming consignments in box 19 of the CVED, only a BIP or a Third Country can be selected in box 17 of the CVED. The new version allows as well the introduction of fishery products being frozen or processed by vessels flying the flag of a MS, unloaded in a Third Country and then transported in a container to the BIP.

The search for CVEDs for transit consignments has been simplified and the relevant pop-up menu has been extended to Third Countries. Similarly, the search for re-imports has been adapted in the "advanced" option to retrieve the relevant CVEDs.

It is now possible to attach files, such as scanned health certificates or other documents, including CVEDs directly in TRACES. Thus, documents with a capacity of 15 MB can be uploaded and they can be downloaded for a limited period of 15 days time.

In the RASFF module there is now a free text box named "Additional information on risk" to allow MS to define better the nature of the risk and to provide complementary information to box 6 of the "Hazard" tab.

For plants an automatic link between TRACES and EUROPHYT has been established to avoid entering data in EUROPHYT which have already been introduced in TRACES.

Further details can be found in the Release Note Version 6.10, which is available in the Library of the TRACES Toolkit on:

https://circabc.europa.eu/faces/jsp/extension/wai/navigation/container.jsp

FVO gave a presentation about the outcome of the first TRACES audits and stated that the verification of the use of TRACES in MS ranges from good to poor. Main issues are the verification of the information on the first part of the CVED, the lack of confirmation of arrival of consignments at a certain destination and the use of TRACES for transhipments.

A discussion arose regarding the interpretation of official controls, which should be recorded in TRACES. COM clarified that documentary and identity checks are considered as official controls in intra-trade and that they need to be recorded in the intra-certificate in TRACES.

5. TRANSIT/TRANSHIPMENT

Following the last Export Group several comments in relation to the Guidance document for transit and transhipment concerning the procedure for transhipments were provided. Some of the comments could not be taken into consideration as they were considered to be more appropriate for the drafting of the secondary legislation to the Draft Official Control Regulation. The Guidance was updated with the inclusion of requirements for transit of products of animal origin from Bosnia and Herzegovina, which have to leave through Croatia to Third Countries.

Some contributions (DE and DK) proposed to change Chapter 9.4 of the Guidance document and some contributions (IT and NL) related to the future secondary legislation under the draft OCR. The notion of "transhipment for re-dispatch" as provided for in Article 11 (1)(a) of Directive 97/78/EC (POAO allowed from prohibited Third Countries) does not exist as there has not been any secondary legislation adopted, which allows consignments coming from a non-approved Third Country to be re-dispatched to a Third Country. The Commission never received from MS any communication and the wish to lay down in a Commission Decision (Article 11 (4) of Directive 97/78/EC) the requirements that transhipments may be re-dispatched if they are originating from non-approved Third Countries. In former times such consignments needed to be rejected and then to be destroyed or sent back to the Third Country of origin.

However, since the implementation of Regulation (EC) No 882/2004, there is a possibility for rejected consignments to re-dispatch them to a Third Country other than the original one (Article 19 and 21). This can be used for transhipment consignments not fulfilling the animal health rules and what is reflected in Chapter 9.4 of the Guidance document.

Some MS commented for transhipments destined directly to Third Countries, the BIP should be informed by Customs about the exit of these consignments. As customs is more and more moving towards electronic systems, COM wonders how this can be achieved if the consignments are not pre-notified to the BIPs.

DK announced to contribute in writing while some MS asked to extend the minimum period for transhipments. COM explained that this has been addressed with Decision 2011/215/EU and each MS can apply for an individual BIP to use the derogation for 14 days.

NL proposed that transhipments to Third Countries including a second EU BIP should be treated in the Guidance document. COM answered that according to current legislation, transhipments to Third Countries shall go directly to Third Countries after the transhipment in the first EU BIP and they should not go to a second EU BIP. Transhipments through several EU ports are not reflected in current legislation. Therefore each port can be considered as the first EU BIP of arrival and the minimum times for veterinary checks are applicable. In addition, the requirements relating to the destination of the consignment, e.g. later import or transit, are applicable.

COM asked MS if there is the need for the provision of specially approved warehouses in the port of destination for non-conforming consignments awaiting the delivery to the ship (Article 13 (2)(a) of Directive 97/78/EC). According to the lists of customs warehouses and ship suppliers notified by MS to COM, NL is the only MS which uses this specific status. COM requested information by 15.01.2014 as it needs to ensure that an empowerment provision for such warehouses is included in the draft OCR, if necessary.

6. MISCELLANEOUS

a) Statement for non-harmonised products

Several comments and questions were provided after the last Export Group. COM continued to work on the document and presented it in the public health working group on 06.12.2013.

Following this discussion, the list of Safeguard decisions under Chapter 6.3 will be replaced by a link to the Commission's website publishing these Safeguard decisions. In addition, Chapter 7.2.3 gives some examples of non-harmonised food, e.g. insects, reptile meat, meat of marine mammals, and the legal basis for the transitional period (Regulation (EU) No 1079/2013). The document will be presented to the relevant SCFCAH in January for agreement.

IT expressed disagreement with the introduction of non-harmonised food and COM replied that the restrictive measures provided for in Article 3 of Directive 89/662/EEC can only be applied if the relevant MS notified such measures in line with the provision of Directive 98/34/EC.

b) Update of BIP list

COM informed that an update to the BIP list is prepared and 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

COM informed that so far proposals have been received from NL, Portugal and Spain.

COM asked MS to provide any proposals to amend the BIP list by 15.01.2014.

c) Blood sampling of registered horses

COM informed that a draft (doc 12622/2013) amending Decision 97/794/CE was presented to SCFCAH on 04.12.2013 to change the mandatory 3 % serological testing for registered horses into a risk based approach. COM was requested to give some clarification about the status of registered horses and the risk-based approach. On request of UK and DE, the vote was postponed.

COM explained the draft proposal and asked MS for their input to prepare a guidance document listing the criteria to be used by the BIPs for the risk assessment to decide if a registered horse should be sampled. This guidance document will be presented together with the draft Decision for a possible vote to the next SCFCAH in January.

A discussion arose concerning import of temporary horses and COM reminded MS that for such imports it is very important to ensure the traceability of the animals as they might change destination. COM asked MS for contributions to the risk criteria to be collected in the guidance document by 10.01.2014.

d) Veterinary checks on Drosophila melanogaster for research

COM informed that a petition was launched from German research representatives claiming that due to delays based on veterinary checks on these live animals, many of the animals arrive injured or dead at destination. Therefore the petitioner requests a derogation from veterinary checks for Drosophila melanogaster originating from laboratories and destined to research establishments. It was also claimed that the checks are carried out in the BIPs in an unharmonised manner and that fees collected differed and at least a more common and harmonised approach to the checks was requested.

COM reminded MS to ensure that veterinary checks on these animals are carried out without delays and asked for feedback on the number of consignments with dead animals or the number of damaged consignments.

e) Animal by-product issues

ES asked which health certificate shall be used for chewable tablets that are intended to be eaten by dogs and containing inactivated yeast, glucosamine, chondroitin, sucrose, hydrolysed chicken protein and plant protein. COM answered that, providing that the CN code is included in Annex I to Decision 2007/275/EC, this product must be considered as a processed pet food and covered by the health certificate of Chapter 3B of Annex XV to Regulation (EU) No 142/2011. Certificate 3B (other than canned pet food) is a better choice than certificate 3C (dog chews) because such tablets are used as supplements are ingested while dog chews are used for playing.

ES requested the reason why CN code 5105 (wool and fine or coarse animal hair, carded or combed) is not included in the Annex I to Decision 2007/275/EC. COM explained that "carded and/or combed" wool means in principal wool which has been factory-washed and can be considered as treated/factory-washed wool, which according to Article 25 of Regulation (EU) No 142/2011 shall not be subject to any animal health conditions regarding the importation into and the transit through the Union. Therefore that CN code is not included in the above Decision as mandatory for veterinary checks in BIPs.

UK reported a problem concerning certification of blood products. US consider that they cannot validate the health guarantees for category 2, which leads to classify the product in category 1. But US does not have any category 1 establishment. COM answered that a new section for blood and blood product establishments will be introduced in TRACES and that they have asked MS for flexibility in the Animal-by-product Expert Group and in SCFCAH regarding imports of blood and blood products for technical use.

DE, supported by BE and NL, asked clarification for certification of freeze-dried pet food. Freeze-drying is a technological process to reduce the water content and to allow transport at chilled temperature instead of frozen temperature. COM clarified that freeze-drying is not considered as "processing" because the relevant microbiological criteria are not fulfilled. Therefore MS should not accept such unprocessed pet food from such third countries which are approved only for export of processed pet food. In addition, COM reminded that for freeze-dried pet food the health certificate for raw pet food has to be used.

f) draft Regulation to insert Serbia in the list for hay and straw

COM informed MS that they have receive a request from Serbia to be included in the third country list for export of hay and straw to the Union. COM will prepare a draft Regulation adding Serbia to Annex V to Regulation (EC) No 136/2004 and the draft will be presented to the SCFCAH for import conditions in January 2014.

(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, R. Tascon, G. Maréchal, N. Guth, A. Dionisi, J. Bloemendal, S. Andre, D. Carton, K. Kroon, P. Bernorio, H. Klein, A.E. Füssel, B. Logar, M. Klemencic, J. Baele, S. Curzon, G. Balkamos, L. Battistini, I. El Busto Sainz, R. Matejcik, M. Dodic, M. Cronin, T. Theoharis, J. Maciulyte, A. Berends, V. Enjolras, M. Wils, G. Jennes, Unit G6.

EXPERT GROUP ON VETERINARY IMPORT CONTROLS LEGISLATION
"VETERINARY CHECKS"
11 December 2013

– AGENDA –

1) **REVIEW OF LEGISLATION**
2) **COMPOSITE PRODUCTS**
3) **RE-ENFORCED CHECKS IN TRACES**
4) **OTHER TRACES ISSUES**
5) **TRANSIT/TRANSHIPMENT**
6) **MISCELLANEOUS**
    a. **Statement for non-harmonised products**
    b. **Update of BIP list**
    c. **Blood sampling of registered horses**
    d. **Veterinary checks on Drosophila melanogaster for research**
    e. **Animal by-product issues**
    f. **draft Regulation to insert Serbia in the list for hay and straw**