EUROPEAN COMMISSION
HEALTH AND CONSUMERS DIRECTORATE-GENERAL

Veterinary and International affairs
Multilateral International relations

Brussels, 10.09.2012
SANCO G6 PL/MG/ci D(2012) 1209912

NOTE FOR THE FILE

Subject: **Minutes of the Expert Group on Veterinary Checks – 5 July 2012**

Present: **All Member States plus Croatia, Norway and Switzerland.**
Commission Personnel (COM): DG SANCO: Patricia Langhammer (G6), Michael Glavin (G6), Kaido Kroon (G2), Kris De Smet (G4), Jan Baele (G4), Lennart Johanson (G4), Roman Matejcik (F5); DG TAXUD (Karlheinz Kadner);

Introduction

After the distribution of the Agenda on 11.06.2012, several points were requested to be added by BE, DE, IT and PL – updated Agenda as attached. COM reminded participants to send items to be addressed during an Expert Group at least 4 days before the meeting to enable COM to prepare fully for the relevant item.

1. REVIEW OF LEGISLATION (G6)

COM informed MS that following the last Expert Group in May, the work in relation to the review of Regulation (EC) No 882/2004 continued and the Impact Assessment was finalised. A joint meeting with CVOs and COPHs took place on 29.06.2012 during which a summary of the main changes described in three 882-working documents (No 10, 11 and 12) were presented. COM gave a brief presentation of the main imports issues concerned with the review. MS had already been sent copies of the documents discussed at the joint meeting above.

The legislative package covering the review of animal health, plant health, plant reproduction material and official controls regulation is progressing and the inter-service consultations are expected to start in late summer with the submission to Council and Parliament planned for the end of the year. After that the work on development of the Delegating and Implementing Acts for the detailed provisions will commence.

In reply to MS questions on the future detailed rules for designation of border control posts (BCPs), facilities required at BCPs and delegation of powers to Customs for veterinary checks on pets and personal luggage, COM said that all the current measures were expected to be retained but would be set down in Implementing Acts which would be drawn up on the basis of empowerment provisions in the proposed new version of the Official Controls Regulation (OCR). The question on whether an official veterinarian would be responsible for decisions concerning live animals and products of animal origin

at BCPs was still being discussed internally. However, a number of MS took a strong view on the need to retain this requirement. In addition, COM clarified that import control fees will change and be applied based on cost calculation and recovery and Annex V to Regulation (EC) No 882/2004 will disappear.

COM said that they had also sent copies of the screening documents to all MS in advance of the meeting. These documents gave an indication as to whether current requirements in Directives 97/78/EC and 91/496/EEC would be in the new OCR itself or whether they would be within an empowerment provision to be included in Implementing or Delegated Acts. COM asked for any comments within the next week.

During the last Expert Group meeting in May, information on the following two questions was sought from MS:

(1) What information needs to be exchanged amongst competent authorities, customs services and other authorities in order to ensure the efficiency of controls on goods from third countries?

(2) At what point in time is it crucial that the exchange of information take place?

No responses had been received to date but if MS wanted to contribute to this exercise which was most important then they should send this info to COM as soon as possible or by the end of next week.

2. CERTIFICATION

COM referred to the Spanish invitation to MS to participate in a specific Working Group dealing with the development of guidance for certificates, which most MS had accepted. On request, ES reported that no meeting had taken place as yet but an invitation is to be sent out in the near future.

Simultaneously, COM was approached by a third country which had proposed a document to be agreed as a guidance document on certification for fishery products. The revised document was distributed to MS and COM detailed the following comments:

Page 3: second bullet under General: COM will consider including a derogation for New Zealand. In addition, to include the general remark from the Codex Guidelines (CAC/GL 38-2001): "If the consignee, point of entry, or transport details change after the certificate has been issued, it is the responsibility of the importer to advise the competent authority of the importing country. Such a change should not result in a request for a replacement certificate to be issued".

Page 5, box I.11: "loading in means of transport being used for their carriage" rather refers to box I.13, where the consignment is loaded into the vessel or air plane. DK commented that the place of origin should be the same as that mentioned on the label.

COM clarified that it is necessary to refer to the number of packages in boxes I.22 and in I.28. In box I.22, there should be the total number, while the number in box I.28 could be split depending how many packages originate from different establishments. DK commented that in case of bulk transport, box I.22 would not need to be filled in and could be invalidated.

ES commented that the postal code and the phone number should not be mandatory and that the country of origin in case of triangular trade needs to be mentioned. In addition, rules for replacement of certification should be included in the document.

COM agreed to look into these issues and clarified for replacement certification that it is possible to accept a replacement certificate which was already replaced on the way of the consignment from the third country to the entry BIP. However, the original should be cancelled and, where possible, returned to the issuing authority and the BIP needs to document the whole process. COM asked MS for their views to include Chapter 4.2.2. on replacement certificates from the General Guidance for transit and transhipment[1] in the draft document as it is valid for all certification and MS were in favour of this.

In response to a question from BE, COM clarified in the draft guidance document that the remark 'O!' on the establishment list of US for fishery products refers to brokers, however, these are considered as processing plants. The legal basis is a Recommendation of the Joint Management Committee from 2005.

COM outlined how to proceed with the draft guidance document; it will be revised based on the comments provided with the aim to present an agreed document to the SCFCAH for agreement and publication on the Commissions' website. While DE announced written comments, COM replied to all that comments should be provided until the end of July.

3. EXPERIENCES WITH RE-ENFORCED CHECKS GUIDANCE

COM reported progress on the re-enforced checks (RECs) in TRACES, the Guidance on RECs has been agreed in SCFCAH and was published in early June and could be found at the following address on the Commission website:

http://ec.europa.eu/food/animal/bips/guidelines_en.htm

Since January, there were 67 re-enforced check regimes launched in TRACES. 16 of them were fulfilled with satisfactory results and two of them were stopped as there were several bugs which had to be remedied with the next TRACES version. For two RECs, AR bovine meat on shigatoxin producing *E.coli* and BR poultry on Clopidol, there are unsatisfactory results and 100 % of testing is mandatory. COM is addressing the relevant competent authorities and asking corrective action and the 100 % testing should continue until satisfactory action plans can be provided from the two third countries concerned.

COM informed that most RECs are launched by the Commission services as the majority of MS do not propose RECs in the relevant RASFF notification. There are currently only six MS actively proposing RECs and COM encouraged the other MS to use the system accordingly.

[1] Published on http://ec.europa.eu/food/animal/bips/docs/guidance_transit_transhipment.pdf

There was a question from one MS as to why for a certain TH establishment, already four RECs have been launched and which action COM would now undertake. COM clarified that the four RECs have been fulfilled with satisfactory checks and during the first REC there were some problems. However yesterday, a new REC has been launched for products originating from that establishment and COM will start internal discussions as to the information of the competent authority in TH to raise their awareness to this hygienic problem and to take appropriate action. In addition, this information was available to the FVO which could be considered to include the specific establishment in their next audit in TH.

Several questions were received in relation to RECs on consignments of products to which sulphites were added, although not included on the label. In such cases, each consignment of the same product for which the label does not indicate the presence of sulphites should be sampled and checked for the presence of sulphites. COM is working to find a solution for TRACES to develop a group "allergens" where it should be possible to refer to the information on the label to avoid that consignments are blocked by a REC, which are correctly labelled to contain sulphites. Until TRACES allows for that, the CVED should be issued in TRACES with the laboratory result as "not applicable" and validated by the BIP. If necessary, the BIP can indicate on the paper CVED that the laboratory test was not applicable, but this is only acceptable for consignments for which the label correctly refers to the addition of sulphites.

In relation to heavy metals in certain fish species, COM referred to point 4.2 2nd paragraph of the Guidance document and the REC should not only be applicable to the establishment of origin but to the whole third country as environmental contaminants are concerned. In addition, the REC will not refer to individual fish species but rather be opened to fresh and frozen wild-caught fish species namely CN codes 0302, 0303 and 0304. COM is working to include in TRACES a group of the fish species susceptible for heavy metals but this will take some time.

COM clarified to RECs on arsenic in canned pet food that provisions laid down in Regulation (EC) No 178/2002 are applicable for food and feed, independent of the detailed requirements laid down in the feed legislation. COM confirmed that the feed legislation caters for re-enforced controls, which are reflected for feed of non-animal origin in Regulation (EC) No 669/2009 and for feed including products of animal origin in Article 24 of Directive 97/78/EC.

Several changes to the Guidance on RECs were suggested to provide further clarification, e.g. alignment of the terminology to the one in the TRACES manual. COM evaluated the suggestions and asked MS to provide their proposals of the relevant sentence or paragraph of the Guidance in track changes and to make sure that the issue is not covered in another part of the Guidance.

COM reminded MS that it is obligatory to include the sampling date in the CVED for consignments under RECs and it is not necessary to repeat this in the Guidance. For any RASFF notifications done via TRACES, the relevant laboratory report should be uploaded in TRACES as it provides important information in relation to serotypes, the risk evaluation done, species, laboratory methods, test criteria and so on. One MS asked to have access to all CVEDs which are in the REC module. COM replied that due to data security reasons it is not possible to give access to CVEDs of non-rejected consignments.

COM clarified that if samples have been taken under a REC and the status of the REC changes to fulfilled, the samples have to be sent to the laboratory and the consignment has to stay in the BIP until the results of the laboratory tests are available (point 8.7 (10) of the guidance).

To point 8.7 (12) of the Guidance, COM clarified that in the case of a consignment under a REC for heavy metals, which fails for shortcomings detected during the identity check, the laboratory test for heavy metals needs to be carried out. Nevertheless, the failure of the identity check has to be reported in a new RASFF notification which might trigger a new (second) REC for the same establishment and product. In case subsequent consignments are arriving, TRACES will inform the relevant BIP that the relevant product is under two RECs.

COM was informed that for an unfavourable test result of a released consignment under random testing, it is not possible to create a RASFF for only one species with an unfavourable test result while the other species has a favourable test result. COM will look into this.

Several questions related to consignments under REC for a certain establishment and a different product than the one for which the REC has been launched is arriving and IT wanted to know, how other MS are addressing such cases. COM reminded that it is important to indicate in the RASFF notification for which species, which hazard and which microbiological criteria the REC should be launched. For example, "sterility" is not sufficiently clear to enable the BIPs to carry out subsequent laboratory tests, as various micro-organisms could be looked for in different BIPs.

Therefore, detailed information is necessary to be provided with the RASFF notification to ensure that harmonised tests are carried out in all BIPs. This is particularly important when no harmonised parameters are laid down in EU legislation and would address concerns outlined by some MS that the RECs are not applied in a harmonised way. For example, for microbiological issues for which in the EU legislation no food safety criteria are laid down, e.g for *Salmonella agona* in poultry meat (RASFF 2012.BHG), for *Salomella bareilly* in tuna (RASFF 2012.0676), for *shigatoxion* producing *E.coli*, the MS issuing the RASFF notification has to provide a risk evaluation indicating if a serious risk is present and subsequent consignments should be checked.

One MS (IE) asked if COM could provide a list of laboratories for the various tests with turnaround times and price/test as this would be a great assistance for small countries/BIPs. COM clarified that they have not such information available and asked MS, if they had such information and if they could provide it[2].

One MS asked for an amendment of TRACES to cater for a re-calculation of the samples taken for a REC in case there is some time between the documentary and identity check. COM clarified not to consider such an amendment and advised that BIPs should re-open CVEDs before they decide for a seal check, full identity or physical check, if several days passed after the documentary check has been done.

---

[2] Polish laboratories: http://www.wetgiw.gov.pl/index.php?action=szczegoly&m_id=30
Belgian laboratories: http://www.favv.be/laboratories/approvedlaboratories/generalinformation/

COM clarified that after the summer break, TRACES will provide an overview of all RECs in the data warehouse and that messages will be sent to the BIPs, if a REC is fulfilled.

4. TRACES ISSUES (KK)

COM informed that there will be a TRACES working group on 06.07.2012 during which a proposal for the new Common Health Entry Document (CHED) will be presented. COM asked participants to liaise with their TRACES colleagues to be adequately informed on this development, as the CHED aims at including food and feed of non-animal origin and plant products into the CVED structure, which means that the relevant Annexes in Regulations (EC) Nos 136/2004 and 282/2004 will be amended.

COM clarified that there is a need for detailed rules for consignments with multiple CN codes and reminded MS that the first part of the CVED needs to be filled in correctly. In addition, as now CN codes at lower levels are available in TRACES, the importance of selecting the correct CN code was stressed, as otherwise problems can occur in TRACES, e.g. if casings are not recorded correctly (CN code 0504 00 00), TRACES will require in box I.10 an approval number for the establishment of origin.

COM presented an overview on the transhipment procedures recorded in TRACES from 01.03.2011 to 01.03.2012, specifically the validation of the CVED with the documentary check in the first BIP of entry and the completion of the remaining checks in the second BIP. According to the statistics presented, COM concluded that only a total of 15 % of the CVEDs are completed in the second BIP and urged MS to remind their BIPs to increase their relevant controls. In particular, the BIPs should pay attention to the notification e-mails for transhipments and treat them accordingly.

While DE replied that there is a transitional derogation for pre-notification for transhipments in TRACES foreseen in Chapter 9.2 of the Guidance Document for transit and transhipment, COM replied that in case the documentary check is carried out in the first BIP of arrival after the minimum period elapsed, the first part of the CVED has to be in TRACES to enable the registration of the documentary check and to activate the information flow to the second BIP.

On request of BE, COM confirmed that they are still working on the issue regarding the R&D samples for which a document has to be issued in TRACES although no veterinary checks in BIPs are necessary. In addition, COM is working on the mandatory filling in of box 10 of the first part of the CVED in case consignments are concerned for which no list of approved/registered establishments is necessary to be respected.

COM reminded MS to send any questions related to the use of or problems with TRACES to the following helpdesk: SANCO-TRACES@ec.europa.eu

5. UPDATE OF THE BIP LIST (PL)

The last update of the Annexes to Decision 2009/821/EC (SANCO/11184/2012-Rev.1) was voted in SCFCAH on 04.07.2012 and will be transmitted to the adoption procedure taking place before the summer break.

The next amendment proposal could be prepared in August and MS were requested to send their suggestions for changes by the middle of August. 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. UPDATE OF THE POSITIVE LIST (MG/PL)

COM plans to align the positive list where necessary with CN codes changed during the annual review of the tariff and statistical nomenclature (Annex I to Council Regulation (EEC) No 2658/87) carried out by DG TAXUD. Unfortunately, a proposal for the revised Annex I was not yet available and COM will continue to work on this. COM had asked MS for their proposals to change Annex I to Decision 2007/275/EC and contributions were received from CZ, IT, FR, DE which are detailed in the table distributed.

FR referred to final medicinal products under CN code 3002 10 10, which should be excluded from veterinary checks and COM will take this into account. DE proposed to add an exclusion code for heading 2202 as there are some products in which milk content can vary between 0 – 10 % of milk content and COM agreed to look into this.

COM explained that since spring this year, the TARIC-code has been aligned and it is indicated for each relevant TARIC covering live animals or products of animal origin when a CVED is necessary (N853). If this code appears for a certain TARIC code, the importer has to indicate the CVED number in box 44 of the Single Administrative Document used for the customs declaration. In cases where not all products covered by a certain TARIC code need to undergo veterinary checks, there are two derogation codes, in which cases customs may accept the customs declaration without the CVED number indicated in box 44. COM indicated that they will look into this and asked for further comments and suggestions to be provided by end of July 2012.

7. MISCELLANEOUS (PL/MG)

A) Composite products

DE asked to put this point on the agenda and presented orally a detailed question referring to the classification of a product as composite product and the necessary certificate to be provided. COM asked to provide the question in writing as it would be considered for the development of a Guidance Document on composite products.

Similarly, DK had sent a comprehensive e-mail raising detailed questions and COM forwarded it to the relevant colleagues for consideration for the planned Guidance Document.

CY requested a list of composite products underlying veterinary checks and those not needing veterinary checks. COM replied it would be best to take the CN code as key for distinguishing between those products subject to veterinary checks and those not subject to veterinary checks as customs would act on this basis as well.

B) Trade samples and "Better Training for Safer Food" (BTSF) BIPs

Following the request for clarification of import conditions for trade samples intended for human consumption, COM tabled and explained an overview on different sample types during the meeting. After internal consultations, COM concluded that trade samples intended for human consumption are to be considered as "foodstuffs" and therefore the import conditions set out in the Hygiene Regulations, in particular Article 6 of Regulation (EC) No 853/2004 are applicable.

DE, supported by UK, expressed their reservations and preferred to regulate import of HC-samples in accordance with Article 16 (1)(e) of Directive 97/78/EC as they are not marketed and that they could originate from non-listed third countries and non-listed establishments.

BE referred to a discrepancy between Article 16 of Directive 97/78/EC and the requirements for veterinary checks in the animal-by-product Regulation but stated that samples for food must come from approved third countries and approved establishments. ES supported this view in stating that samples for human consumption must comply with the public health requirements and a health certificate would be necessary, although these samples are excluded from the veterinary checks.

COM concluded that the public health import conditions remain valid for samples intended for human consumption irrespectively from their derogation from veterinary checks and the public health conditions should be reflected in the import permits issued by the competent authorities. The derogation from veterinary checks seems to be paradox as trade samples not destined for human consumption are underlying the veterinary check regime and a relevant alignment to the animal-by-product policy could be considered within the review of the import control legislation.

C) Examples on the implementation of Regulation (EU) No 16/2012

COM informed that MS had sought clarification from COM in relation to examples of the freezing date requirements of Commission Regulation (EU) No 16/2012. COM explained a table which was distributed in the last Hygiene Working Group and in advance of this meeting showing examples of when freezing dates may change and what date should be applied on the label.

A number of Member States quoted different products but agreed to send their comments in writing to see if this would expand the examples on the current list. In addition, DE said that the freezing temperature for food was not defined and it should be identified and be a labelling requirement. COM replied that currently no definition for frozen food exists and every temperature below 0°C is considered to be frozen. In addition, COM clarified that for fish that had been caught before 01.07.2012, MS should be flexible with the application of the production date.

D) Import of histidine from China

COM clarified that it is prohibited to introduce histidine from China, as this product is not listed in the Annex to Decision 2002/994. Histidine is a hydrolysed protein covered by the animal-by-product Regulation. Although there is an end point for feathers and down provided for in Article 3(f) of Regulation (EU) No 142/2011, this does not apply to the production in third countries and histidine obtained from feathers must be certified as hydrolysed protein intended for the production of feed for farmed animals. Each consignment should be accompanied by certificate Chapter 12 of Annex XV to Regulation (EU) No 142/2011. The CN code is: Ex 3504 00.

(signed)
G6 – Import Controls

Encl: Agenda
List of distributed documents

Cc: Experts in 27 MS, Croatia, 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. Gallhoff, G. Maréchal, N. Guth, A. Barna, W. Maier, D. Carton, K. Kroon, P. Bernorio, W. Demel, M. Klemencic, L. Kuster, A.E. Füssel, B. Logar, S. Cabot, F. Reviriego Gordejo, J. Baele, L. Johanson, F. Volpi, S. Curzon, A. Ramirez Vela, R. Matejcik, M. Dodic, I. El Busto Saenz, M. Cronin, T. Theoharis, A. Berends, K. Kadner, M. Wils, G. Jennes, Unit G6.

EXPERT GROUP ON VETERINARY IMPORT CONTROLS LEGISLATION
"VETERINARY CHECKS"

05 July 2012

– AGENDA –

1. **REVIEW OF LEGISLATION**
2. **CERTIFICATION**
3. **EXPERIENCES WITH RE-ENFORCED CHECKS GUIDANCE**
4. **TRACES ISSUES**
5. **UPDATE OF THE BIP LIST**
6. **UPDATE OF POSITIVE LIST**
7. **MISCELLANEOUS**
   - **A)** Composite products
   - **B)** Samples and "Better Training for Safer Food" (BTSF) BIPs
   - **C)** Examples on the implementation of Regulation (EU) No 16/2012
   - **D)** Import of histidine from China