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HEALTH AND CONSUMERS DIRECTORATE-GENERAL

Veterinary and International affairs
Multilateral International relations

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NOTE FOR THE FILE

Subject: Minutes of the Expert Group on Veterinary Checks – 16 January 2012

Present: All Member States, except Portugal, plus Croatia, Norway and Switzerland; Iceland did not attend. Commission Personnel (COM): DG SANCO: Patricia Langhammer (G6), Michael Glavin (G6), Catherine Iffenecker (G6), Kaido Kroon (G2), Barbara Logar (G2), Sigrid Cabot (G2), Waltraud Demel (G2), Lennart Johanson (G4), Francisca Van Cauwenberghe (G7), Wolf Maier (G7), Adrienn Barna (G7), Ana Ramirez Vela (F5), Francesca Volpi (E5); DG TAXUD: André Berends; ESA: Janne Britt Krakhellen.

Introduction

On receipt of the Agenda on 09.12.2011, PL, ES, NL, F5 and other Commission services proposed additional points. COM included, under miscellaneous, three additional points to the updated Agenda distributed on 11.01.2012 as follows:

L) Clarification of the country status of St. Barthelmy as of 01.01.2012
M) Blood Products for use outside of the Feed Chain – Import Health Certificates 4(A), 4(C) and 4(D) of Commission Regulation (EU) No 142/2011 (also requested by AT)
N) State of establishment listing for Iceland (WM)

DE requested an additional point concerning the list of signatories from third countries and asked COM to provide a legal basis obliging third countries to provide such lists to enable BIPs to verify the signatures. COM replied that it is not planned to include a legal basis for this in the review of the imports legislation. There will be a movement towards electronic certification together with electronic signature in the future, which will reduce the administrative burden and contribute to combating fraudulent practices for imports.

BE raised some detailed questions regarding the implementation of the ABP Regulation and the import of live insects. COM invited a written request to enable co-ordination with the colleagues involved in these files.

After some additional clarifications, the Agenda was agreed as attached.

1. REVIEW OF REGULATION (EC) NO 882/2004 AND VETERINARY CONTROL LEGISLATION (E5/G6/TAXUD)

Since the last WG in October, discussions in internal meetings within SANCO as well as in external meetings with other DG's and Member States continued in relation to the review of Regulation (EC) No 882/2004. Currently, the work is focussing on the preparation of the Impact Assessment and on the preparation of the legislative proposal.

COM explained that at the initiative of the Heads of Agencies (meeting held in the Netherlands in July 2011) an *ad hoc* working group was established to discuss the review of the system of import controls across all concerned sectors. The group met in November 2011 and COM attended as observer. Participants were representatives from all sectors involved in import controls, who in detail discussed which issues need to be addressed within the review of import control legislation, in particular in view of the customs legislation. Draft conclusions were presented at the meeting of the Heads of Agencies held in Poland in December 2011. COM summarised such conclusions, after which a discussion on the role of the Heads of Agencies and their involvement in official controls arose.

On request of some MS, COM clarified that Directives 89/662/EEC, 90/425/EEC, 91/496/EEC and 97/78/EC will be repealed and their general control provisions will be streamlined within the provisions in Regulation (EC) No 882/2004. The adoption by the COM of specific control provisions, which will be laid down in delegated or implementing acts, will occur only after the adoption of the revised Regulation (EC) No 882/2004 by the Council and the Parliament. However, discussion and preparatory work could informally start as soon as the COM presents the proposal to the co-legislator.

NL stressed the importance of a risk based approach to import controls as national resources are under pressure as stated in recent FVO-reports. In addition, the attention to combating fraud has to increase. FR would like to introduce the AEO-concept for veterinary purposes and supported the importance of a risk based approach.

On request, COM (TAXUD) clarified the state of play on the Modernised Customs Code (MCC), which entered into force on 24 June 2008 but is not yet applicable. The Commission will adopt a proposal for a recast of this Regulation in spring 2012 in which it proposes a postponement of the date of application, initially foreseen for June 2013. The proposal takes account of modernisation of Customs legislation and the use of IT systems and ensures alignment of the text with the requirements of the Treaty of Lisbon as regards the use by the Commission of either delegated or implementing powers to implement policies. COM clarified that the e-customs initiative is a very broad concept focussed at achieving the operation of secure, integrated, interoperable and accessible electronic customs systems. Work is in progress and includes various stages of which the single window concept, in which the veterinary authorities are involved, also forms part.

On request from AT, COM indicated that the T5 form, envisaged for the controls on the use and(or destination of goods, currently included as an Annex to the Implementing provisions of the Customs Code (Regulation (EEC) No 2454/93) is likely not to be retained in the future implementing provisions for the MCC. COM confirmed that currently temporary storage was not a customs procedure but would be in the future. This will lead to direct obligations to declare all animal products and live animals with a CVED before the customs procedure can be assigned.

2. REVIEW OF THE ANIMAL HEALTH LAW (BL)

Following discussion of the draft proposal of the Animal Health Law (AHL) at the last Animal Health Expert Group on 09/10.01.2012, the part related to import conditions was presented. COM explained the Articles dealing with the introduction of consignments from third countries in Chapter VI of the second part.

In the discussion COM clarified again that the official controls (checks) at the EU borders will be in the new regulation on official controls and that the AHL will only regulate specific animal health conditions (requirements) for introduction into the EU. COM also explained that the compartments are included in the new revision of text of the AHL. This is also the case for the conditions for transhipment. In addition, COM confirmed the intention that under the new regime the adopted implementing and/or delegated acts laying down specific conditions for introduction into the EU will follow the same approach as currently; they will include both animal and public health rules as relevant for specific commodities.

In reply to MS, COM confirmed that the new AHL will cater for transhipments and for compartments/regionalisation. COM concluded with reminding MS that they should co-ordinate with the relevant services on national level to ensure that relevant comments are provided to the Commission services.

3. ARTICLE 24 OF DIRECTIVE 97/78/EC - RE-ENFORCED CHECKS

COM presented an overview of the RASFF notifications for products of animal origin during the last four years, with 647 border control and 164 market control notifications in 2011, summing up to 811 notifications in total.

As these notifications cannot be split into original notifications triggering a re-enforced check programme and notifications following unfavourable results of a re-enforced check programme, the number of notifications triggering a new re-enforced check programme would be much smaller. Similarly, not all notifications relate to products of animal origin, which would decrease the number of re-enforced check programmes further.

However, in 2011, there were 647 border notifications for products of animal origin but in TRACES there were only 147, which means that TRACES was not used in all MS for the validation of the border notifications by the national contact points. A rough estimation of these data reveals that currently only 15 – 20 % of re-enforced checks would be triggered by a RASFF notification in TRACES. Therefore COM asked MS to contact their national RASFF contact points to ensure that all border rejections in TRACES are validated adequately as described in the TRACES release notice 5.30. COM clarified that the BIPs include the necessary information in TRACES and that special training was provided to the RASFF colleagues in MS on this subject. COM informed that user accounts in TRACES will be invalidated, if they had not been used within eight months.

COM informed that during the first week of the application of the re-enforced check programme in TRACES, two border rejections were triggered, which were rightly not confirmed to be suitable for a re-enforced check programme by the national contact points. Concerning market notifications, COM decided that two of them (25/2012: malachite green in rainbow trout from TR, and 59/2012: undeclared sulphite in shrimps from IN), should be launched in TRACES to trigger re-enforced checks as soon as the relevant MS have provided details of the CVED and the establishment of origin in the third country.

COM received questions as to what happens with the "old" re-enforced check programmes and if they would be included in TRACES. COM reflected on this and decided that MS and BIPs should follow the "old" programmes in the same way as in the past until they can be closed down. DK stated to avoid re-enforced check programmes running forever, they ask food business operators to provide test results from other BIPs. To concerns from AT and DE, COM replied that the Danish approach seems to be suitable and currently there would be two parallel re-enforced check programmes in place, the "old" ones which are not in TRACES and the new ones triggered by a RASFF notification issued in 2012 in TRACES. COM asked MS to provide their lists of "old" re-enforced check programmes for their evaluation and possible consideration of a more suitable solution.

On request, COM clarified for "repeated administrative errors" (4th indent of Chapter 6 of the Draft Guidance Rev. 7) that the BIPs need to keep track of the amount of administrative errors, the relevant product, importer, establishment of origin etc. to consider as to when a RASFF notification should be launched. COM referred to the chapter on repeated infringements in the Summary Manual for the operation of the RASFF.

In relation to the Draft Guidance Rev. 7, COM informed that they were thinking of including in Chapter 10 a reference to an automated message from TRACES to third countries, when a re-enforced check programme is lifted by the achievement of favourable test results. COM is working on this and the next TRACES version could cater for this. Further clarifications to the Draft Guidance were suggested by DK (definition of serious infringements), ES (trade samples) and NL (clarification chapter 10), which will be considered by COM.

FR said there could be a risk of legal conflicts with operators, who might not know that the third country establishment they work with is under a re-enforced check programme, and requested COM to add the name of the establishment in the overview table on re-enforced checks in TRACES. COM replied that they had checked with their legal advisers and were advised not to publish such details.

COM clarified to DE that a re-enforced check programme will only be triggered for the relevant product category as in Article 2 of Regulation (EC) No 853/2004. The separation for checks on aquaculture products only is working in TRACES and if the original RASFF concerns malachite green, the re-enforced check programme should cover only malachite green.

NL questioned how the delisting of a third country establishment in case of a re-enforced check programme and later re-listing of the same establishment would be considered. . COM reminded that, at national level, BIPs have to do random checks, and their tasks are to verify that guarantees of the third country's Competent Authority are fulfilled.

COM asked MS to remind their BIPs and their RASFF contact points to fill in the information in the notifications as complete as possible, especially the establishment of origin and the third country of origin, when products containing animal products and originating from third countries are concerned and best would be to attach the CVED or product label to the notification. COM concluded that the Guidance document will be amended as necessary, in particular in case of amendments based on the experiences collected with TRACES. Therefore, it will not yet be presented to a SCFCAH for agreement before it has been presented to the next Expert Group.

4. TRACES ISSUES (KK)

Since 09.01.2012, TRACES 5.30 has been released and COM reported the main modifications, which are described in detail in the relevant Release Note, e.g. the inclusion of a hyperlink in box 10 of the CVED to the health certificate, new sorting of establishments of origin in hard copy, new modalities for box 35/38 in the product and live animal CVED and direct access of BIPs to the health certificate in case of changed destination BIP. From 16 January, TRACES does not accept the 4-digit CN code any longer in case the product description is based on a six- or eight-digit CN code in the first part of the CVED or in the health certificates issued in TRACES.

COM replied to questions related to the reporting of TRACES, the TRACES Steering Committee and that splitting of CVEDs in customs warehouses will be possible with the old CN codes, as long as the mother-CVED was issued with an old CN code.

COM informed that work on the CHED (Common Health Entry Document) is continuing and that a task force with phytosanitary experts was held on 13.01.2012. Currently no revision of the CVED is planned as COM prefers to introduce as soon as possible the CHED for all products underlying import controls.

COM informed that the publication of the positive list (Amendment to the Annex to Decision 2007/275/EC) is postponed until end of January due to a mistake in the German translation. The legal service has refused to change the German translation for "qualification". The correction for CN code 0106 has been accepted and the Corrigendum has been approved by COM on 13.01.2012. Commission Implementing Decision 2012/31/EU was published on 24.01.2012[1].

5. UPDATE OF THE BIP LIST (PL)

COM informed that the last update of the Annexes to Decision 2009/821/EC was published in October (Decision 2011/707/EU). To date new requests for changes in the Annexes to that Decision have been provided from NL (one IC in Rotterdam), Italy (Brescia-Montichiari), Spain (Madrid), France (Marseille) and Greece (Peplos).

COM asked for further requests and informed that they will start to launch a new amendment soon. Therefore new requests for amendments to BIPs and TRACES should be provided by 31.01.2012.

COM reminded MS of the need to use the attached template to assist in transferring correctly any changes to the list of BIPs and the following e-mail addresses:

sanco-consult-G6@ec.europa.eu or sanco-G6-imports@ec.europa.eu

Adobe Acrobat 7.0 Document

[1] http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:021:0001:0029:EN:PDF

6. COMPOSITE PRODUCTS (MG/PL)

COM announced the publication of the amendment Regulation for composite products (Commission Regulation (EU) No 28/2012[2]) and that, in the framework of the SPS notifications, several issues related to the certification in that Regulation were clarified to the Canadian and US authorities. COM will distribute the clarifications to MS (e-mail of 17.01.2012, D/60274) and asked them to inform their BIPs accordingly.

COM asked for feedback and in case of problems, these will be discussed during the next Expert Group meeting.

7. MISCELLANEOUS/ DIVERS /VERSCHIEDENES (PL/MG)

A) Import conditions for fish sauce (G4)

COM had informed MS (D/1513257 of 04.01.2012) that in a Working Group on the Hygiene Package on 05.12.2011, it was clarified that fish sauce is underlying veterinary checks in border inspection posts and should be imported with the certificate for fishery products. According to the Codex Standard for fish sauce, it shall be prepared from sound and wholesome fish or parts of fish in a condition fit to be sold fresh for human consumption. Therefore fish sauce cannot be considered as a composite product (mixture of vegetable products and processed animal products). COM asked MS for their views and replies were provided from 10 MS and NO (CY, FI, FR, IE, IT, MT, NL, PL, RO, SE), which indicated the CN codes used 2103, 20103 90 90 and 1603. While most MS (except MT) check fish sauce in the BIP and request a health certificate, two MS referred to fish flavoured sauce (IE) and to a sauce made from fish extract (FR), for which no veterinary checks were carried out. FR requested to delete the derogation for meat and fish extracts from Annex II to Decision 2007/275/EC, as it is too difficult to know, if the product is made with extracts or not.

COM clarified that fish flavoured sauce can be produced from fish sauce or with fish extract, however, if it does not contain any vegetable product, it cannot be considered as a composite product and veterinary checks need to be carried out. In addition, the derogation concerning fish extracts is only applicable if the products are packaged for the final consumer.

COM concluded that fish sauce prepared with fresh fish has to undergo veterinary checks in BIPs and has to be accompanied by the certificate for fishery products regardless the percentage or amount of the fishery product included. COM will consider changing Annex II to Decision 2007/275/EC, however, in the meantime, only flavourings containing fish extract which are packaged for the final consumer, are exempted from veterinary checks.

COM drew the attention of MS to several RASFF notifications on fish sauce for the presence of histamine and of E 210, which indicate that more stringent physical checks are necessary for this product.

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[2] http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:012:0001:0013:EN:PDF

B) Import conditions for isinglass (G4)

COM had informed MS (D/1513257 of 20.12.2011) that there could be two types of imports of isinglass:

a) raw material consisting of raw fish maws (CN code 0305 72 00) and fish bladders (CN code 0305 79 00) (or according to the 2011-CN code list: for NHC: 0511 91 from fish, 0504 00 30 from other raw material than from fish origin). It could be considered as a fishery product and should be accompanied by the fishery product certificate and originate from an approved third country and approved establishment. However, COM was informed that the establishments of origin are often not complying with the EU legislation and cannot be approved. Therefore, it could also be considered as a processing aid, which has to fulfill general requirements of EU food law. In this case, the EU has not set down detailed import conditions.

b) processed fish maws (CN code 0511 91 90), which would be considered similar as gelatine as originating from an approved ABP establishment. They would be considered for technical use and after the veterinary checks in the BIP, they would need to be channelled under Article 8-procedure to the establishment of destination.

COM had asked MS which certification they request for isinglass and replies were provided from nine MS and NO (AT, FI, FR, IE, IT, MT, PL, RO, SE). While five MS replied that they do not have any imports of isinglass, one MS (IE) is requesting for processed fish maws a national health certificate (mentioning category 3 material for technical use or fit for human consumption) and another MS (IT) is using the certificates for gelatine for human consumption and for raw material for the production of gelatine for human consumption (Part A and B of Appendix II to Annex VI to Regulation (EC) No 2074/2005) for products; in both cases the products come from approved establishments. For imports of processed fish maws (CN code 0511 91) not for human consumption, the health certificates under Chapter 11 of Annex XV to Regulation (EU) No 142/2011 are used for import of raw material not intended for human consumption, the certificate in Chapter 3 (F) or in Chapter 8 of Annex XV to Regulation (EU) No 142/2011 is used; in both cases the product must originate from an approved ABP establishment.

COM questioned that the gelatine certificates for human consumption could be used for raw and processed fish maws as fish maws are not covered by that certificate (contrary to fish scales used for the gelatine production, which are covered by the 2074/2005 certificate). However, within the review of the Hygiene Package, such changes could be foreseen if deemed necessary by MS.

DE added that if the fish bladder is originating from Beluga-species, CITES rules need to be respected too.

COM concluded that relevant changes could be considered within the review of the Hygiene Package, however, there are some conflicts with the ABP-Regulations. One major issue is that once a product has left the food chain, it becomes an Animal by-Product and cannot re-enter the food chain after processing in an ABP-establishment.

C) ABP Regulation: import conditions for samples for research and development and for milk products (G2)

COM informed MS that, in accordance with Article 27 of Commission Regulation (EU) No 142/2011, imports of samples for research and development are not required to undergo veterinary checks at BIPs; however, they need to be presented to BIPs for notification in TRACES, if they are destined to another MS than the one of the entry-BIP. They must be accompanied by commercial documents and they must be authorised in advance by the competent authority of the Member State of destination. COM had asked MS which requirements need to be fulfilled in relation to the advance authorisation (D/18601 of 20.12.2011) and replies were received from eight MS and NO (AT, CZ, ES, FI, FR, IE, IT, SI).

COM summarised that 3 MS and Norway still send such consignments to BIPs for veterinary checks. The other MS replied that they send them only to BIPs, if they are destined to another MS. The question was raised, how these consignments are to be notified in TRACES, if there is no obligation to notify the entry BIP. While 7 MS clearly replied that they do not request a health certificate, this is not clear for ES and AT; 6 MS ask for import licenses or permits but it is not clear who checks at arrival for the presence of the license. On request of COM, some MS clarified that customs check these samples, in one MS the license is checked on random basis, which is decided by the BIP following a manifest check.

COM concluded that, according to EU legislation, samples for research and development do not need to undergo veterinary checks in the BIPs, which cannot be changed by national legislation as national requirements should comply with EU legislation and cannot be more onerous. COM clarified that TRACES needs to be adapted to cater for the notification to the MS of destination if it differs from the MS of the entry BIP, which will be ready in about. 3 months. Detailed explanation will be provided in the relevant TRACES Release note as to who would fill in the notification and would need to be done by official services.

COM reminded MS that if samples for research and development contain pathogens, in addition to Article 27, the provisions laid down in Directives 90/425/EEC and 92/118/EEC are applicable.

In relation to the certificate for milk, milk-based products and milk derived products laid down in Chapter 2 (A) of Annex XV to Regulation (EU) No 142/2011 the certificate refers in the title to milk, milk-based products and milk derived products and in point II.3 the attestation refers to milk or milk products. COM was informed by the US that this causes problems and asked MS for their views (D/18601 of 06.01.2012).

Replies were provided from six MS and NO (CZ, DK, FI, FR, IE, IT) which indicated that there were no problems with the milk certificate.

COM concluded that there does not seem to be a problem and that therefore it is not necessary to amend the milk certificate accordingly.

D) Changes to establishment lists (ES)

COM received a request to establish a common approach for corrections to the lists of approved establishments. COM explained that third country authorities occasionally make administrative errors in their lists of establishments, which are then published in the TRACES lists. According to the SANCO procedures (based on Art 12 of Regulation (EC) No 854/2004), the new establishment lists are published on the website 10 working days before

their enforcement date and the third country authorities and the Missions representing the relevant third country are informed in advance by fax of the date of publication. They have the possibility to verify the entries of the new lists and to ask for correction of typing errors, if any, before the lists come into force. Unfortunately, they do not always react accordingly and many mistakes/typing errors are only noted once the relevant consignment has arrived in the BIP.

After a short discussion, COM concluded that spelling mistakes/typing errors in the names of the establishments, cities or regions can be corrected rapidly in the list of approved establishments. However, any modifications to the approval number, approval activities, complete names of companies and to the remarks column must undergo the normal SANCO procedure.

On request of ES, COM clarified that if a consignment comes from a factory or a freezer vessel or from an establishment with an activity not appearing in the SANCO lists, this consignment cannot be accepted for importation. COM insisted that the food business operator importing into the EU is also responsible to check that the imported products come from a country/establishment/vessel which is appearing in the SANCO approval lists.

Additional information is available on the following websites:

http://ec.europa.eu/food/animal/bips/faq/index_en.htm

http://ec.europa.eu/food/food/biosafety/establishments/third_country/faqs_en.htm

E) Live animals: import of circus ungulates (WD)

In addition to the Commission letter of 10.10.2011 (ARES 1069963), COM explained that rules on the movement of circus animals between Member States are set out inCommission Regulation (EU) No 1739/2005.

Council Directive 2004/68/EC laying down animal health rules for the importation into and transit through the Community of certain live ungulate animals requires that the importation of live ungulates into and transit through the Union shall only be authorised from third countries that appear on a list or lists to be drawn up by the Commission.

The only list so far is in Commission Regulation (EU) No 206/2010 (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). Consequently, ungulates can only be imported from those third countries listed there.

In addition, what appears at first sight as an exemption from the provision of Article 1 of Regulation (EU) No 206/2010, i.e. the passage stating: "This Regulation shall not apply to the introduction into the Union of non-domesticated animals: (...) (b) forming part of circuses;" is indeed a further restriction and thus would prohibit the import of circus animals from third countries listed in Annex I to Regulation (EU) No 206/2010.

In reply to GR, COM clarified that currently there is no legal reason to accept circuses from third countries which are not on a third country list, moreover, based on animal health reasons, no ungulate circus animals can be accepted from any third country.

F) Live animals: blood samples on horses for temporary admission (PL)

COM clarified that sampling conditions including the provisions for clinical examination as provided for in Decision 97/794/EC are applicable for breeding or production animals and are also applicable for horses for temporary admission. As these horses are moving around in the EU, they should be examined carefully before they are allowed to be released on the EU market temporarily.

G) Import of hay and straw (NL)

COM received information that, last year (2011), 59 containers with straw bales originating from Turkey were discovered in the Netherlands, which had not undergone veterinary controls at a BIP. The containers were blocked by the Dutch veterinary services and rejected (RASFF 2011.1711[3] and additions). However, further research revealed that before this, 98 consignments were imported and released on the market and that the Dutch authorities had now undertaken actions to recall the products. In addition, earlier in 2011, a consignment of straw from Serbia was released on the market.

Further 44 containers were blocked and rejected by the BIP in Antwerp and sent back to Turkey together with the 59 containers.

COM asked MS to remind their BIPs that hay and straw (as under CN codes 1213 0000 and 1214 90) has to be presented for veterinary checks and can only be accepted from the third countries listed in Annex V to Regulation (EC) No 136/2004. Currently, these are Australia, Belarus, Canada, Chile, Croatia, Greenland, Iceland, New Zealand, some parts of South Africa, Switzerland and US. COM reminded that consignments from Iceland and Switzerland do not need to be checked at the BIPs.

H) Update on imports for US or NATO bases (MG)

COM informed that good recent progress had been made following a meeting held with US military authorities in Germany in December. The problems concerning a specific German warehouse used to store US military consignments were seemingly resolved as the warehouse was now being bonded and placed under German Customs and veterinary control This was very good news as the warehouse is involved with a large quantity of products of animal origin consignments per annum.

COM was now looking to progress with the USDA work on guarantees for import certification (signature of US veterinarian at point of dispatch from US) for canned goods specifically containing meat, which must comply with EU animal health conditions. COM had already suggested a proposal to USDA and this should be developed if possible in the first half of 2012 in a written format.

TRACES was also being updated with new lists of users and additional bases as agreed but the US military were not progressing speedily on this due to internal legal problems. COM was also hoping to liaise with the UK on the issue of consignments going directly into the UK and what progress was being made. COM said that this area may be a good place to pilot an e-certification system as it was secure and dealt with Government consignments and did not involve "commercial" imports and this could be considered at an appropriate time.

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[3] http://circa.europa.eu/Members/irc/sanco/rasff/library?l=/market_notifications/2011/17011720/1711-add02pdf/_EN_1.0_&a=d

A slide on the work aims, objectives and timeline was presented with completion of work (with the exception of electronic certification) by 2013.

I) Update on transhipments and BIP facilities (FVO)

COM provided clarification for checks on transhipments destined directly to third countries: The 3rd paragraph of Chapter 9.4.2 of the Guidance document for transit and transhipment (SANCO/10844/2011 of 08.04.2011) reads as follows:

"In case a consignment is destined for transit to a third country, the first BIP has to carry out a documentary and identity check as provided for in Article 11 (2)(b) first sentence of Directive 97/78/EC. These checks must include a check of the certificate or veterinary document of origin, the specific animal health certificate or any other original document, or an authenticated copy thereof accompanying the consignment concerned. In addition they have to check if the relevant consignment will leave directly with a vessel or aircraft to the relevant third country or if a later transport via road/rail/waterways through Union territory is involved. In the latter case, the relevant consignment has to fulfil animal health conditions. A CVED has to be issued indicating the results of the checks and the veterinary decision."

According to this, after the minimum period of seven days in the ports or in case of Gioia Tauro after 14 days, transhipments of products of animal origin which are destined directly to third countries may be accepted with any health certificate requested by the third country of destination. It is not necessary to ask for the EU-animal-health certificate.

On request of IT, COM clarified that requests for the extension of the minimum period from seven to 14 days have to be submitted to COM for each individual port as the working procedures in the ports might differ.

COM informed that some missions will be carried out to certain MSs focussing solely on BIP facilities with the aim to have an overview of compliance of BIP facilities within the EU, by the end of the year. At the request of NL, COM clarified that no list regarding compliance of individual BIPs will be produced. COM replied to IT that currently no financial support is foreseen for MS helping them keeping their BIPs at the standard required.

COM pointed out that there are big differences in standards throughout the EU for BIP facilities and that there is the possibility to consider further the requirements to be included within the review of the import control legislation.

J) Import of sea monkeys (SC)

COM referred to the FAQ question on the website, which has been further elaborated following communication from IT.

Do brine shrimp (sea monkeys) (*Artemia spp)* cysts have to be presented to an approved border inspection post (BIP) when entering the European Union and which animal health requirements (certificates) would apply?

Brine shrimp (sea monkeys) (*Artemia spp)* cysts are live animals and must therefore be presented at a BIP approved to accept live animals for veterinary checks.

Which animal health rules apply will depend on the destination of the brine shrimp (sea monkeys) (*Artemia spp)* cysts:

Brine shrimp cysts entering the EU and destined for an aquaculture farm for further farming or to be used as live feed for aquaculture animals are covered by Council Directive 2006/88/EC and it's implementing Regulation (EC) No 1251/2008. For these animals, the model animal health certificate laid down in Part A of Annex IV to Regulation (EC) No 1251/2008 must be used.

Brine shrimp cysts entering the EU as dried cysts caught in the wild, intended for ornamental purposes (sea monkeys) and destined to be kept dry until arrival to the final consumer fall outside the scope of Council Directive 2006/88/EC and Regulation (EC) No 1251/2008. As there are no animal health conditions harmonised at EU level for these animals, Council Directive 92/65/EEC applies. It is for the importing EU-country to consider whether animal health conditions have to be respected in accordance with their national legislation (in line with provisions laid down in Directive 92/65/EEC, Article 17 (2) last indent). The European Commission informed EU-countries that they do not consider that these animals pose an animal health threat to the EU. They may be presented to the BIP with a commercial document, unless the EU-country of destination demands additional health requirements, e.g. a health certificate. Consequently the consignment may be only marketed in the EU-country of destination and not in other EU-countries.

However, if brine shrimp cysts enter the EU as dried cysts and are destined for feed production facilities, they are covered by Regulation (EC) No 1069/2009. They should be accompanied by the certificate laid down in Chapter 3 F of Annex XV to Regulation (EU) No 142/2011 and they can be checked in the NHC-facilities of a BIP.

The appropriate Customs Nomenclature code to be used in all cases in the Common Veterinary Entry Document (CVED) is 0306 27 99.

K) Clarification on certification requirements

COM reminded MS of the fax sent to CVOs on 24.03.2009, which was distributed again on 11.01.2012. Due to more and more complaints from third countries it is necessary to remind MS to ask their BIPs on how attestations in the model certificates that are not applicable for a particular consignment should be dealt with.

Many of the model health certificates provide that only those attestations relevant for the products/animals covered by the certificate shall be kept – in such cases a footnote with the text "keep as appropriate" is indicated in the certificate. Such attestations may be completely deleted (meaning that they are not printed in the hard copy of the certificate) or they must be crossed or struck out by drawing a line through the text.

If drawing a line through the text or invalidation of an unused box of the certificate is done by filling out the hard copy of the certificate with all other consignment details including subsequent signature and stamp, no specific initialling and stamping of these changes is necessary. Such specific initialling and stamping of any changes to a certificate is necessary in case of electronic certificates containing all consignment details and only the signature and stamp is added.

L) Clarification of the situation of St. Barthelmy/St. Barth as of 01.01.2012

COM informed MS that following Council Decision 2010/718/EU of 29 October 2010, with effect from 1 January 2012, St Barthelmy is an overseas country and territory and not any more an ultraperipheric region of France. Therefore, as from 1 January 2012, any consignments of products of animal origin or live animals coming from St Barthelmy to the Union should be subject to border veterinary controls. In addition, St Barthelmy should be on the list of third countries approved to export certain animals or products to the EU. FR had clarified that it was a very small island (25 km²) with no known exports to mainland France. Neighbouring Guadeloupe, as still a part of the territory of France, would however be made aware that, if they received any POAO consignments from the island, these would need to be controlled to ensure they would not subsequently be sent to the mainland of the Union.

M) Blood Products for use outside of the Feed Chain – Health Certificates Chapter 4(A), 4(C) and 4(D) of Annex XV to Commission Regulation (EU) No 142/2011

COM explained that there were problems in some BIPs based on the US interpretation of the meaning of the footnote "delete as appropriate" in the description of the place of collection of the blood as in section II.4 of the health certificates laid down in Chapter 4(A), (C) and (D) of Annex XV to Regulation (EU) No 142/2011.

COM clarified that imports of consignments which are accompanied by these certificates should be in compliance with the commercial documents on which they are based. If the commercial document and the health certificate are not sitting in agreement, then the consignment should be detained and likely rejected on failure of the documentary check. COM announced to circulate further clarifications to MS, which was done by e-mail on 18.01.2012 (D/62111) as follows:

1. The wording of Section II.4 of the Chapter 4 (A), 4 (C) and 4 (D) certificates of Regulation (EU) No 142/2011 should be interpreted in a way that allows for multiple choices. The "delete as appropriate" instruction should make it possible to cross out one or two lines according to the nature of the consignment, meaning that if the blood product is from a mixed source (from both dead and live animals), it is adequate to cross out only the first indent of the section.

2. The certificates have to reflect the information stipulated in the relevant commercial documents. The current US practise of certifying differently to the content of the industry issued documents is unacceptable and such non-conforming consignments will continue to be rejected by EU BIPs in the future.

3. As a long term solution the Commission is going to propose amending Section II.4 of the Chapter 4 (A), 4 (C) and 4 (D) certificates of Regulation (EU) No 142/2011 during the upcoming revision this year.

N) State of establishment listing for Iceland (WM)

COM informed about a recent exchange of letters with the competent authority of Iceland that was also forwarded per e-mail to all CVOs (on 9 December 2011) – as distributed during the meeting.

In this exchange, Iceland gave guarantees that products of animal origin except germinal products such as semen and embryos, exported to the EU come from establishments that fully comply with EU hygiene rules. SANCO responded that rules for Intra-Union trade can be applied to Iceland on this basis, in accordance with the EEA Agreement. However, all Icelandic establishments should be in full compliance with EU legislation as soon as possible.

(signed)
G6 – Import Controls

Encl: Agenda

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, E. Strickland, J. Lepeintre, J. Vitasek, G. Gallhoff, G. Maréchal, N. Guth, A. Barna, W. Maier, F. Van Cauwenberghe, D. Carton, K. Kroon, P. Bernorio, W. Demel, M. Klemencic, L. Kuster, A.E. Füssel, B. Logar, S. Cabot, J. Baele, L. Johanson, F. Volpi, S. Curzon, A. Ramirez Vela, R. Matejcik, M. Dodic, I. El Busto Saenz, M. Cronin, A. Berends, K. Kadner, M. Wils, G. Jennes, D. Kjolsen, Unit G6.

EXPERT GROUP ON VETERINARY IMPORT CONTROLS LEGISLATION "VETERINARY CHECKS"

16 January 2012

- AGENDA -

1. REVIEW OF REGULATION (EC) NO 882/2004 and the VETERINARY CONTROL LEGISLATION (MG/PL)
2. REVIEW OF THE ANIMAL HEALTH LAW
3. ARTICLE 24 OF DIRECTIVE 97/78/EC - RE-ENFORCED CHECKS (MG)
4. TRACES ISSUES (KK)
5. UPDATE OF THE BIP LIST (PL)
6. COMPOSITE PRODUCTS (MG/PL)
7. MISCELLANEOUS/ DIVERS /VERSCHIEDENES (PL/MG)
   - A) Import conditions for fish sauce
   - B) Import conditions for isinglass
   - C) ABP Regulation: import conditions for samples for research and development and for milk products
   - D) Changes to establishment lists (ES)
   - E) Live animals: import of circus ungulates (PL)
   - F) Live animals: blood samples on horses for temporary admission (PL)
   - G) Import of hay and straw (NL)
   - H) Update on imports for US or NATO bases (MG)
   - I) Update on transhipments and BIP facilities (FVO)
   - J) Import of sea monkeys (G2)
   - K) Clarification on certification requirements
   - L) Clarification of the situation of St. Barthelmy/St. Barth as of 01.01.2012
   - M) Animal by-products: US certification of blood products for NHC
   - N) Iceland – State of Establishment Listing