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Veterinary and International affairs
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NOTE FOR THE FILE

Subject: Minutes of the Expert Group on Veterinary Checks – 3 July 2013

Present: All Member States except Cyprus and Estonia;
ESA and Norway and Switzerland;
Commission Personnel (COM): DG SANCO: Patricia Langhammer (G6), Bruno Saimour (G6), Taxiarhis Theoharis (F5), Iliyan Kostov (G2), Jan Baele (G4).

Introduction

COM welcomed Croatia as a new Member State. Bruno Saimour was presented as the National Expert replacing Michael Glavin who returned to his original administration.

After the distribution of the Agenda, several points were requested to be added (BE, CH, ES, IT, NL, UK) – Agenda as attached.

1. REVIEW OF LEGISLATION

COM informed that the Animal and Plant Health Package of measures to strengthen the enforcement of health and safety standards for the whole agri-food chain was adopted on 06.05.2013 while the proposed Regulation for the management of expenditure relating to the food chain, animal health and welfare, and relating to plant health and plant reproductive material was adopted on 07.06.2013. The whole package was presented to Member States and stakeholders during a conference on 13.06.2013, while it will be presented in each Member State by a Commission official during the last 2 weeks in June.

COM informed that the current body of EU legislation covering the food chain consists of almost 70 pieces of legislation and the package will cut this down to the following 5 pieces of legislation: Animal health law, Official Controls (including import controls), Plant health law, Plant reproductive material law (including seeds) and the aforementioned Regulation for the management of expenditures.

General information to the Animal and Plant Health Package is provided in the following SANCO Webpage:

http://ec.europa.eu/dgs/health_consumer/pressroom/animal-plant-health_en.htm

Other EU institutions, including the European Parliament and the Council will consider the package of measures and will adopt their positions in due course. At this stage, it can be estimated that the package will enter into force in 2016.

Currently the proposal is presented by COM staff in all MS in meetings with official staff and stakeholders during which questions and clarifications can be asked.

COM detailed that the first discussion of the Official Control Regulation (OCR), which is most relevant in the area of import controls, took place on 14.06.2013 in the Council's Joint Working Party of Veterinary Experts (Public Health) and Phytosanitary experts. The proposed OCR was presented and a first "tour de table" resulted in general comments, e.g. most MS welcomed and supported the proposal, its integrated approach and the broadened scope. Several issues were raised for further discussion, e.g. the empowerments for implementing and delegated acts, the inclusion of plant health or plant reproductive material, the provisions for inspection fees in general and in particular the exemption of microbusinesses from mandatory controls fees.

Article 1 regarding the scope was discussed briefly and several MS asked further clarifications while some MS outlined concerns regarding the wide scope of the draft Regulation. COM provided replies to all questions and ensured that there is the need for harmonisation requirements for official controls throughout all sectors.

The next discussion in Council will be on 10.07.2013 and will continue after the summer break. COM reminded MS that they should brief their representatives for the Council with any suggestions they deem necessary for the draft OCR. COM suggested to start drafting the secondary legislation when all legal empowerments are confirmed by the Council and Parliament. Most probably this will start with drafting a common positive list of commodities which have to be checked at the borders. The Task Forces that have already been set up will start working on this with the inputs from the FVO and the Plant sector.

In response to a question from BE, COM confirmed the official forum for discussion of the draft OCR is now the Council.

NL asked which kind of empowerment, implementing or delegated acts, will be used to lay down the secondary legislation for import controls. COM answered that this is visible in the different Articles in the draft OCR, however, it could change depending on the amendments proposed by the Council and the Parliament or the Member States.

2. COMPOSITE PRODUCTS

Following the last Expert Group, several examples were submitted to COM, for which clarification should be included in the Guidance document COM is working on for composite products. COM reminded MS in case of contributions and questions related to composite products to include the full CN code under which the relevant product has to be notified to customs. Indicating the correct CN code for such products will help COM to see, if an update of Annex I to Decision 2007/275/EC (positive list) is necessary.

COM informed that intra-SANCO discussions took place in relation to the applicability of the approved residue control plans as listed in the Annex to Decision 2011/163/EU for composite products and the following clarification can be provided:

The processed animal product used in all composite products has to come from a third country with an approved residue control plan (listed in Decision 2011/163/EU), even if the composite product is listed in Annex II to Decision 2007/275/EC and excluded from veterinary checks in BIPs. DK commented to include in the certificates laid down in Regulation (EC) No 28/2012 a reference to the residue control plan and COM will reflect on this.

COM distributed an overview table detailing import controls and conditions applicable for composite products. Most MS thanked COM for this document and some proposed to send written comments. COM asked MS to provide any kind of guidance or national instructions related to composite products, which could be used for the development of the Guidance document for composite products.

ES reported some difficulties to identify the country of origin for the milk product contained in composite products, especially if the milk product is a very small quantity and the composite product does not need to be presented to the BIP or if the composite product is listed in Annex II to Decision 2007/275/EC. COM confirmed that for such composite products the treatment column, A, B or C, of the authorised countries listed in Regulation (EC) No 605/2010 must be strictly respected as country of origin of the composite product.

In reply to DK, COM reminded that the composite products listed in Annex II to Decision 2007/275/EC, which are not submitted 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 operators have the responsibility to guarantee the compliance of the imported consignments and to provide the documented evidences in case of control by the competent authorities in Member States.

NL asked if the different parts of the certificate of Regulation (EU) No 28/2012, dedicated to meat products, dairy products, fisheries and egg products should be filled simultaneously when necessary. COM confirmed.

Several contributions after the last Expert Group concerned mixed consignments, e.g. meat products with milk products or milk products with fishery products. In such cases the consignment needs to come from an approved third country for both product types, from an approved establishment and a third country with an approved residue control plan for both product types. The health certificate accompanying such consignments should cover that animal product with the major content, which is underlying animal and public health requirements.

COM informed MS that during market controls in one MS a milk drink originating from China was found. COM reminded MS that import of such products from China is prohibited, independent from their consideration as dairy or as composite products. China does not have an approved residue control plan and no approved establishments

for dairy products. In addition, such products are not allowed to be exported from China as they are not listed in the Annexes to Decision 2002/994/EC.

SI asked for specific conditions to import composite products which contain colostrum. COM answered that the draft legislation laying down specific conditions to import colostrum for human consumption should be adopted first. In the meantime, COM asked additional information from SI about the composition, production and the CN code of such composite products.

COM concluded in reminding that the CN code is a key point for composite products. Operators do not hesitate to request new Binding Tariff Information (BTIs) for certain products, which could lead to bypass the BIP control. COM reassured that they are working closely with DG TAXUD on this and invited MS for the same close co-ordination with their customs services to ensure that correct CN codes are used for composite products and to inform COM of any changes of the CN codes used.

3. EXPERIENCES WITH RE-ENFORCED CHECKS GUIDANCE

COM reported progress on the re-enforced checks (RECs) in TRACES and gave a presentation on the progress of the REC application since January 2012 and the improvement of the REC-module in TRACES since then. For example, CVEDs not relevant for the scope of a REC can be removed from the REC-module, notwithstanding they are in the mandatory 10 consignment-series or under associated CVEDs. In addition automatic sending of notifications for fulfilled and for stopped REC-programmes was introduced. For clarity reasons, the approval number of the establishment concerned and the reason why a REC-programme was stopped will be added in a future TRACES version to these notifications.

The next TRACES release planned for 03.07.2013 will enable the proper calculation of CVEDs in RECs, for which the laboratory result was favourable, however, the consignments needed to be rejected due to another non-compliancy with EU legislation (Chile example: mercury in fishery products). As relevant information is often missing in TRACES, COM reminded MS to upload any relevant additional documents, e.g. analytical reports and health certificates, in the RASFF module, as there is a capacity of 2 MB per RASFF notification. In addition, COM reminded MS to clarify in the national contact point box of the RASFF module the scope for a proposed REC to ensure that no consignments are addressed, which contain products which are not relevant for the hazard.

Since January 2012, 179 re-enforced check regimes were launched in TRACES. While the number of the RECs proposed by MS increased, the number of RECs not validated by the EC-contact point decreased. This shows that MS are paying more attention to the proposal of REC-regimes, however, there is still room for improvement. For example, often the information provided by MS is unclear and COM has to request further information, e.g. analytical results or health certificates. Such cases are discussed and decided in the weekly internal meetings of the different SANCO units involved in the

REC module and MS were invited to come back to COM when it is unclear to them, why a proposed REC was not validated by the EC-contact point.

The majority of cases for which a REC-proposal was not validated by the EC-contact point or were stopped by COM concerned salmonella and enterobacteriaceae in feed or in processed animal protein, for which specific provisions are laid down in Regulation (EU) No 142/2011.

Currently there are 43 REC-regimes ongoing, while 44 RECs have been finalised with satisfactory results. 9 REC-regimes resulted in unfavourable results and such consignments are undergoing a systematic physical control including the relevant laboratory test. The relevant third country authorities were addressed with letters, asking the relevant competent authority to enquiry the reason for the hazard and to take appropriate corrective action. COM was in the position to lift the systematic controls already in some cases, in which satisfactory corrective action to eliminate the relevant hazard had been taken.

The annual RASFF report for 2012 was issued recently and is available on the following website: http://ec.europa.eu/food/food/rapidalert/index_en.htm. It refers to the REC-module in TRACES and explains that several problems were solved in third countries (e.g. BR Clopidol, Salmonella in squid from Indonesia, inadequate thermal treatment for canned fish from Thailand) due to the corrective action initiated by the competent authorities following the REC-regimes in TRACES.

Some examples were seen, where the importers split consignments in smaller parts and tried to use the 10 % rule, however, thanks to the attention of the relevant BIPs, this misbehaviour was noted and the relevant REC continued (e.g fishery products from Sri Lanka).

COM reminded MS that they should provide a clear risk assessment indicating the seriousness of the risk in case no EU-criteria are laid down and then it is possible to issue a RASFF notification and to validate a REC-regime. On the other hand, if there is no serious risk, there is the possibility to launch a RASFF information-notification and a REC-programme could be validated based on a serious infringement of EU legislation, however, MS were asked to mention this clearly in the comment box for the national contact point in TRACES.

Although a few third countries with products under imposed systematic control questioned MS and the COM for the reason carrying out systematic controls, in general third countries appreciate the harmonised application of re-enforced controls in TRACES as they feel fairer treated and as there is a greater transparency of the controls carried out.

Most MS welcomed the improvements of the REC module and several questions were raised, e.g. to the RECs stopped by COM. COM clarified that in some cases misleading or insufficient information had been provided or Regulation (EU) No 142/2011 was applicable instead of Article 24 of Directive 97/78/EC.

To a question from ES about the possibility to launch a REC after the detection of counterfeited certificates, COM acknowledged the difficulty because the real origin of the products remains unknown. COM confirmed that such cases are discussed in the weekly meetings and if useful, they would launch a REC. If sufficient evidence for the

fraud is provided, a RASFF notification will also be distributed, however, MS should differentiate between a non-compliance of a health certificate and a fraudulent health certificate. COM confirmed in case of consignments originating from several establishments, the REC should only be launched for the establishment concerned from which the product with the infringement was originating. Few MS requested that they should be informed earlier of any changed versions of TRACES and COM took note of that.

Some MS outlined concerns and raised questions concerning the draft safeguard decision for bivalve molluscs from Turkey and COM clarified that 75 % of these imports are live or chilled bivalve molluscs, which are actually banned by the decision. COM explained the difference of the safeguard to a REC regime and clarified that several RECs for these products from Turkey had been launched. In addition there was an unfavourable FVO audit report, all of which underlined the seriousness of the non-compliances and the need of a safeguard decision.

DE asked if a REC could be proposed in box 40 of the RASFF market notification form and COM clarified that they should tick the box but indicate the reason, why a REC would be proposed. COM clarified as well that the implementation of iRASFF is since 2 years in transition and that all MS should be able to use it soon. A specific measure will be added to iRASFF to deal with the proposal of RECs[1]. NL added it would be useful to include more information about laboratory methods and COM will consider this.

4. TRACES ISSUES

a) Veterinary checks on live animals category O

COM distributed data extracted from TRACES concerning the importation of live animals of species intended for research during 2012. The figures show that a number of CVEDs contain mistakes about the destination establishment in box 16: "approved bodies" or "quarantines" are ticked, however, the destination establishment does not appear on the official list of the relevant MS, or "other" is ticked, however, the destination establishment is actually approved and appears on an official list of the relevant MS.

COM explained that according to Directive 92/65/EC, ‘approved body, institute or centre’ means any permanent establishment, approved in accordance with Article 13 of that Directive, where animals are habitually kept for the following purposes:

— display of the animals and education of the public (zoological parks, public aquarium)

— conservation of the species (museums)

— scientific research (laboratories and breeding establishments for laboratories).

The concerned species are those susceptible to the diseases listed in the Annex A and B to that Directive: ungulates, primates, carnivores, lagomorphs, birds, fishes and bees.

[1] The following line can be introduced since 30.07.2013 in iRASFF as a measure to indicate that a MS requests a REC regime to be instigated in TRACES: "request for reinforced checks through TRACES" Details of the request specifying the operator, product and CN code applicable should be given in the additional info box under the measure created.

Concerning the quarantines, the rules of approval and listing are set down in Regulation (EU) No 139/2013 for captive birds and in Regulation (EC) No 998/2003 for pet animals.

COM reminded MS that they have to provide to COM the national lists of their approved bodies[2], according to the model form available in Decision 2009/712/EC. In addition, the BIPs must check the national lists of the MS of destination to verify if the destination establishment is really approved, where it is supposed to be, so that the CVED is filled in correctly and the data in TRACES are correct.

Genetically modified ornamental fish (Danio Rerio) – red coloured zebra fish - one MS informed that during market controls such fish was found, which was introduced through Portugal and France. COM reminded that this marketing is currently prohibited[3].

b) Other TRACES issues

COM made a short presentation to remind MS that **CN code 0504** in TRACES can be used for various product types:

- Type "Human consumption": fresh meat legislation Regulation (EC) No 206/2010 (no treatment)
- Type "Meat products": meat products legislation Decision 2007/777/EC
- Type "Casing": animal casings legislation Decision 2003/779/EC.

As there are different establishment lists involved, it is important that each BIP verifies the product type as otherwise complications arise, if rejections and the introduction of a re-enforced check programme are concerned.

TRANSHIPMENT:

During and after the last Expert Group MS were asked to comment to the gaps on controls for transhipments, which are visible in TRACES. COM thanked the MS who had replied and summarised the problems:

1. Change of 2nd BIP after the CVED had been issued in the 1st BIP: a solution should be found to find in TRACES the CVED issued by the 1st BIP.

2. 2nd new CVED issued in the 2nd BIP instead of using the CVED issued by the 1st BIP: COM does not understand the reason why the forwarding agent or the 2nd BIP

[2] Lists see website: http://ec.europa.eu/food/animal/approved_establishments/index_en.htm

[3] After the Expert Group COM clarified that according to Directive 2001/18/EC, no genetically modified organism is to be considered for placing on the market without first having been officially authorised (following a satisfactory assessment procedure). Considering this authorisation does not exist for GMO fishes, they have to be rejected by the BIP.

does not clone the 1st CVED. FVO will be asked to focus on this during their upcoming audits.

3. Consignment not pre-notified to the 2nd BIP: it is the responsibility of the importer (or his forwarding agent) to notify the 2nd BIP. This problem could be linked to both the previous ones.

COM commented that the lack of pre-notification is an issue to be implemented. In relation to the CVED issue, COM was made aware that in case of transhipments the forwarding agent in the 2nd BIP does not receive automatically the CVED issued by the 1st BIP after a documentary check had been carried out. MS were asked to investigate in their BIPs why in such cases the forwarding agent of the 2nd BIP does not receive the CVED issued by the 1st BIP and to provide the results of their investigations to COM.

BE commented that the transhipment procedures are too complicated and inefficient and that sending consignments not checked to the 2nd BIP should be abolished. COM answered that this point will be discussed for the preparation of the secondary legislation implementing the draft OCR.

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 updates of the Annexes to Decision 2009/821/EC were published for BIPs and TRACES units in Member States as Implementing Decision 2013/235/EU and for BIPs and TRACES units in Croatia as Implementing Decision 2013/290/EU. As there is a mistake in Decision 2012/290/EU relating to the approval categories for two BIPs, an amendment to rectify the mistake has to be prepared.

COM has currently several requests from MS for amending the Annexes to Decision 2009/821/EC and asked MS to send any further amendment requests as soon as possible, latest until 20 July 2013.

PL informed that they will send a request for closure of a port BIP.

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

6. UPDATE ON SINGLE WINDOW PROJECT

COM reported that as announced during the last Expert Group, DG TAXUD started to develop the platform "Speed2" through which in the first phase of the Single Window CVED (SW-CVED) national customs offices will have electronically access to the TRACES data referring to the veterinary clearance of individual consignments.

During and after the last Expert Group MS were asked to comment on the need for a write off management (weight monitoring for veterinary cleared consignments that are split in smaller consignments for customs release) but no substantial comments were made. Therefore DG SANCO will not support DG TAXUD request for a write off management to be included in TRACES for consignments, which have been cleared by the BIP but are split in smaller consignments for customs release.

Detailed discussions with DG TAXUD continue for the development of the platform "Speed2" and for laying down the issues to be covered in the second phase of the SW project. It is then the task of MS to cater for the electronic communication between their national customs systems and "Speed2" regarding the SW-CVED project. COM promised to keep MS up to date on the future implementation of the SW-CVED service.

COM reminded MS when introducing national communications between their national import IT system and national customs clearance systems, it is not enough to communicate the CVED- or CED-number after the import controls have been completed. The whole information concerning the decision on the consignment, e.g. if it can be released for food or for feed or for pharmaceutical use, if it can be released for transit, for transhipment or for onward transportation only, has to be provided to the customs system and has to be taken into consideration for the customs clearance. For example food consignments may not end up on the feed market as specific requirements foreseen in Regulation (EU) No 142/2011 have to be respected. A number of CN codes cover both products for human consumption and products for feed or pharmaceutical or other use, they do not distinguish between food and non-food. On the other hand, there are a lot of CN codes clearly distinguishing between food and non-food as different taxes are applicable. However, in a recent working group headed by DG TAXUD about the CN classification of mussel powder, COM became aware that as customs services were not particularly interested in the information on part 2 of the CVED, they do not care whether the product is suitable for food or non-food when assigning the customs procedure.

The principle to consider the decision on the 2nd part of the CVED or CED was also explained by DG SANCO to the Expert Group on Customs Action to protect Health, Cultural Heritage, the Environment and Nature on 21 June 2013.

CH asked if they are involved in the SW-CVED project and COM replied that they will clarify with DG TAXUD[4].

[4] After the Expert Group COM clarified that currently CH, NO and IS are not involved in the SW-CVED project. However, technically it is possible for customs authorities in CH, NO and IS to connect to "Speed2" in order to retrieve relevant data from TRACES on CVED issued for consignments from third countries. For this connection a number of technical and organizational details have to be considered and the relevant customs authorities should approach DG TAXUD with a formal request for the connection to SPEED2.

In reply to a question from IT, COM explained that joint controls (veterinary and customs services) are currently not in the scope of the SW-CVED project, as the exchange of information between the electronic systems starts after the veterinary controls have been finalised.

ES asked if the use of the SW-CVED will be compulsory for each MS. COM answered that there is no legal basis in TAXUD legislation to compel MS to use the SW-CVED and to introduce relevant national connections to "Speed2". The introduction of such connection will be a national decision in each MS but COM outlined that it will be very helpful, especially for consignments which are moved through different MSs before being released for free circulation by customs. The functionality will take an even wider dimension when TRACES will also cover the importation of feed and food of non-animal origin and plant products, seeds and propagating material.

BE outlined concerns to the different criteria for risk analyses from SANCO and TAXUD and COM replied that the introduction of the SW-CVED will not change anything regarding the risk analyses carried out by the two different services. Concerns were raised concerning problems based on the introduction of an incorrect CVED number in box 44 of the Single Administrative Document and COM confirmed that the Economic Operators filling in the SAD should pay sufficient attention to that as the clearance time will be longer, if there are mistakes in the CVED number.

NL reflected on the responsibility for unreliable data in the electronic systems, however, 90 % of the consignments would be expected to be cleared without any problems. AT outlined that main problems are currently related to the CED as customs clearance often takes place in a different MS than where the import control is carried.

COM concluded in an ideal world import control documents for all types of SANCO goods should be in TRACES and all MS should use the SW-CVED but to achieve this, some more time is needed as the legal basis for TRACES needs to be applicable in the OCR and relevant MS need to upgrade their national customs system to cater for the SW-CVED.

7. CERTIFICATION

COM informed MS that the Spanish delegation had sent a final document shortly before Christmas to the Commissions' services, which however commented that further work is necessary on that document.

COM informed also that the work on the COM-guidance is on-going and a new proposal to amend Decision 2007/240/EC will be presented as soon as agreed by the different units in SANCO.

8. FVO UPDATE: INITIAL FEEDBACK AFTER THE FIRST AUDITS OF THE NEW SERIES ON

a) Evaluation of effectiveness of import control systems

FVO gave a short presentation about their approach to evaluate the mechanisms MS have in place to control their own rules and assess the effectiveness of their work.

From the audits carried out so far, it can be concluded that the MS approach for verification effectiveness is based on audit, supervision, monitoring or measurement of critical processes (main activities of official import controls). However, these activities are mainly carried out to verify compliance and not effectiveness. Objectives are often not clearly aligned from the strategic level to the operational level and the processes (activities) are not adequately designed to ensure that illegal imports are prevented. E.g. the competent authority carrying out market controls is often not aware of import prohibitions. As the term "effectiveness" is not described in detail in the relevant Regulation, an extra slide has been added to the presentation indicating a link to a website with useful information for the verification of effectiveness. This website is the result of a collaborative effort of MS' national experts and officials from the FVO on national audit systems.

FVO informed that from the three MS visited, two were accredited according to ISO 17020 and that accreditation could be a useful step in harmonizing work and eliminating variances in the processes. However, the maturity of these systems towards verification of effectiveness was not found in the level expected in the MS concerned.

On request of BE the FVO clarified that an ISO accreditation does not change the level of the FVO audit, according to the current provisions of Regulation (EC) No 882/2004. They are not assessing the MS import control systems against the ISO standard of their accreditation but they are assessing the import control systems against the provisions laid down in EU legislation. In addition, the import control systems, if accredited or not, might be a source of good practices, which is one of the objectives of this series of audits. An overview report will be published at the end of the series, which aims at highlighting good practices.

b) use of TRACES: import controls, intra-trade and other matters

First conclusions of the TRACES audits were presented and the following areas need improvement in relation to the data input from the BIPs: introduction of laboratory results, use of the transhipment module, incomplete CVEDs for channelled consignments or consignments to other controlled destinations, in particular in relation to the confirmation of arrival of the consignments at their destination by the competent LVU and use of DOCOM.

9. MISCELLANEOUS

a) **Salmonella in poultry: controls and treatment**

COM reported that based on re-enforced checks for poultry containing Salmonella, two issues were raised by several MS to COM:

COM clarified the use of the CN codes for fresh poultry meat and poultry meat preparations. CN code 0207 14 or 0207 27 is used for fresh poultry meat and poultry meat preparations having a total salt content by weight of less than 1,2 %. DG TAXUD clarified that this salt content is defined by Additional Note 7 to Chapter 2 of the Combined Nomenclature. Poultry meat preparations having a total salt content by weight of 1.2% or more are classified in CN code 0210 99 39 as salted meat.

For the two different product types, different food safety criteria are laid down in Chapter 1 of Annex I to Regulation (EC) No 2073/2005:
While fresh poultry should not contain Salmonella typhimurium and enteritidis (row I.28 of Chapter 1 of the Annex I to Regulation (EC) No 2073/2005), in poultry meat preparations and poultry meat products (row I.5 and I.9 of Chapter 1 of the Annex I to Regulation (EC) No 2073/2005), Salmonella spp. should be absent. As such differentiation cannot be reflected in the CN codes, BIPs are obliged to request from the TRACES team the exclusion of CVEDs arriving under a REC for that CN code but not to be considered for that specific REC. The Commission is looking into this and will try to make a better differentiation in TRACES to solve this problem.

For the time being, COM reminded MS when creating a RASFF notification to upload in TRACES or add any additional information with the RASFF notification, e.g. the relevant health certificate, the analytical report, as to be sure for which product type the relevant RASFF notification is applicable.

In all the above cases the derogation in Article 7(2) of Regulation (EC) No 2073/2005 is applicable and the products may be submitted to further processing with a treatment eliminating the hazard in question – the "special treatment" as provided for by Article 19 (1) of Regulation (EC) No 882/2004. For fresh poultry meat the treatment has to follow Regulation (EC) No 2160/2003 while for poultry meat preparations and poultry meat products no specific treatment has been agreed between the Commission and MS. Therefore national authorities may lay down the conditions for a treatment they find acceptable to ensure that the consignments do not pose a risk for public or animal health.

In such cases, the CVED in box 35 has to be completed as "rejection" and it has to be validated in TRACES as soon as the results of the laboratory tests are available. This is in line with Article 54 (3) of Regulation (EC) No 882/2004, which stipulates that a decision has been taken by the competent authority and afterwards the importer can decide for second samples or for destruction or for special treatment.

If it is clear in the BIP that the food business operator will apply a treatment to eliminate the hazard and to ensure that the consignment does not pose a risk for public or animal health, in box 35 the option for “transformation” and in box 37 of the CVED the establishment of destination to which the consignments has to be channelled needs to be indicated.

The consignments should be channelled from the BIP to a food business operator, where the treatment will be carried out and any such treatment should be supervised by the competent authority. The CVED provides even the possibility in box 41 for feedback to the BIP of entry to inform them of the arrival of the consignment in the relevant establishment.

COM reminded that the completion of the CVED is of outmost importance, in particular if the relevant consignment is under a re-enforced check programme in TRACES, to guarantee timely calculation of the relevant consignments and to ensure that with favourable test results the REC programme may be closed as soon as possible.

Several MS reported their experiences regarding salmonella results in the above products and COM clarified, in case there are no food safety criteria in Annex I to Regulation (EC) No 2073/2005, e.g. Salmonella Brandenburg in fresh poultry meat, the MS has the

possibility to make a risk assessment according to Article 14 of Regulation (EC) No 178/2002 and then national provisions are applicable for treatment of the consignment.

COM clarified also the relation to the ABP-Regulation and only if the food business operator decides for destruction of the consignment, provisions of Regulation (EC) No 1069/2009 will become applicable. In case the food business operator decides for treatment, Regulation (EC) No 1069/2009 is not applicable.

b) **Labelling in BIPs**

Several times the attention of COM was drawn to an incomplete or missing identification mark on the products presented to the BIP for veterinary checks.

COM reminded MS of the legal rules concerning the identification marks. According to Article 5 of Regulation (EC) No 853/2004, the products dispatched from approved establishments shall bear an identification mark. Article 6 of the same Regulation reads that imported products shall meet the requirements of Article 5 too. An identification mark consists of the country name and the approval number of the establishment. Point 1 of Part A of Section 1 of Annex II to Regulation (EC) No 853/2004 explains that "the identification mark must be applied before the product leaves the establishment of production".

COM clarified, when a BIP detects missing or non-conform identification marks, these cannot be applied or modified in the BIP (or another EU establishment) as identification marks need to be applied in the production establishment[5]. Some MS stated that this is difficult to implement and COM replied that shortcomings concerning general labelling conditions can be treated on a case-by-case-basis. Depending on the shortcoming and if a full identity check can be carried out satisfactorily, labelling shortcoming might be suitable for correction, however, this is not possible for shortcomings concerning the identification mark.

c) Fish sauce

COM informed that a draft Commission Regulation will modify soon Regulation (EC) No 2073/2005 in relation to microbiological criteria. This text aligns the food safety criterion for histamine in fish sauce made by fermentation with the Codex Alimentarius standard. In comparison to other fishery products, the new criterion for fish sauce is more favourable, as fish sauce is normally consumed in a low quantity.

COM reminded MS that these fish sauces are fishery products and not composite products as they are consisting of water, salt and fish or fish extracts, however, there are no plant or vegetable ingredients.

d) **Status of Monaco**

COM replied to the IT request to clarify the status of Monaco, that the Principality of Monaco is an enclave of the French territory, but it is considered to be outside the EU territory according to the Treaty, which means that Monaco is a Third Country. In the

[5] See website: http://ec.europa.eu/food/animal/bips/faq/index_en.htm

sanitary area, there is no Agreement between Monaco and France, or between Monaco and the EU.

Monaco is not listed in any list of authorized countries to export animals and animal products into the EU (except in Regulation (EC) No 998/2003 concerning non-commercial movements of pet animals). Therefore, no importation of animals and animal products originating from Monaco can be allowed into the EU, except aforementioned pet animals.

There is no BIP on the border of Monaco to carry out import controls. Therefore non-conforming animal products intended in transit to or for ship supply in Monaco cannot be authorised as the exit controls to verify that the consignments left EU territory cannot be carried out.

A short discussion arose in relation to the similar situation for Gibraltar and COM promised to clarify the legal status of Gibraltar.

COM concluded that consignments with destination to Monaco can only be authorized by a BIP to enter the EU, if they meet the EU requirements of animal and public health[6]. Then a CVED can be issued with an address in Monaco filled in the delivery box n° 8 on the first page of the CVED.

e) **Decision 2013/287/EU on GM rice from China**

COM explained that in the amendment Decision for systematic screening on genetically modified rice from China the products listed in Annex I to the above Decision are partly products of non-animal origin and partly products of animal origin or composite products. Therefore, a legal basis for controls of such products in BIPs was added to the one laid down in Decision 2011/884/EU for controls in DPEs.

COM had some concerns about the coordination of BIPs and DPEs to ensure there is no gap and that each consignment of rice is effectively controlled by one of the two (systematic documentary check, random physical checks, analytical report for each lot and health certificate, if no rice is contained the operator has to issue a statement that no rice is contained).

Several MS reported how they implement the controls laid down in these Decisions and those in which the BIPs are also DPEs do not have any problems.

(signed)
G6 – Import Controls

Encl: Agenda
List of distributed documents

[6] After the Expert Group, COM clarified that the situation for Gibraltar is somewhat similar. Consignments with destination to Gibraltar can only be authorized by a BIP to enter the EU, if they meet the EU requirements of animal and public health for import.

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, J. Vitasek, G. Gallhoff, G. Maréchal, N. Guth, A. Dionisi, J. Bloemendal, S. Andre, W. Maier, D. Carton, K. Kroon, P. Bernorio, I. Kostov, M. Klemencic, L. Kuster, A.E. Füssel, B. Logar, F. Reviriego Gordejo, J. Baele, S. Curzon, I. El Busto Sainz, R. Matejcik, M. Dodic, M. Cronin, T. Theoharis, J. Maciulyte, A. Berends, K. Kadner, M. Wils, G. Jennes, Unit G6.

EXPERT GROUP ON VETERINARY IMPORT CONTROLS LEGISLATION
"VETERINARY CHECKS"
03 July 2013

– AGENDA –

1) **REVIEW OF LEGISLATION**
2) **COMPOSITE PRODUCTS**
3) **RE-ENFORCED CHECKS IN TRACES**
4) **TRACES ISSUES**
   - **a) Veterinary checks on live animals category O**
   - **b) Other TRACES issues**
5) **UPDATE OF THE BIP LIST**
6) **UPDATE ON SINGLE WINDOW PROJECT**
7) **CERTIFICATION**
8) **FVO UPDATE: INITIAL FEEDBACK AFTER THE FIRST AUDITS OF THE NEW SERIES ON**
   - **a) Evaluation of effectiveness of import control systems and**
   - **b) Use of TRACES**
9) **MISCELLANEOUS**
   - **a) Salmonella in poultry: controls and treatment**
   - **b) Labelling in BIPs**
   - **c) Fish sauce**
   - **d) Status of Monaco**
   - **e) Decision 2013/287/EU on GM rice from China**


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