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NOTE FOR THE FILE

Subject: Minutes of the Expert Group on Veterinary Checks – 2 May 2012

Present: All Member States plus Croatia, Norway, Iceland and Switzerland. Commission Personnel (COM): DG SANCO: Ella Strickland (G6), Patricia Langhammer (G6), Michael Glavin (G6), Catherine Iffenecker (G6), Francisco Reviriego Gordejo (G2), Sigrid Cabot (G2), Barbara Logar (G2), Matjaz Klemencic (G2), Julia Eckert (G2), Kaido Kroon (G2), Jan Baele (G4), Francesca Volpi (E5), Stephen Curzon (E5) and Ana Ramirez Vela (F5); DG TAXUD (Karlheinz Kadner); DG MARE (Desiree Kjolsen)

Introduction

After the distribution of the Agenda on 30.03.2012, several points were requested to be added by PL, ES, IT, NL and the FVO and other Commission services – updated Agenda as attached.

1. REVIEW OF LEGISLATION (E5/G2/G6)

Since the last Expert Group in January, the work in relation to the review of Regulation (EC) No 882/2004 continued and the Impact Assessment is still ongoing. A first preliminary opinion of the Impact Assessment Board was received, further work is necessary and the final opinion of the Impact Assessment Board is expected by the end of May/beginning of June.

COM had provided two working documents to MS: the draft 3rd revision of the Animal Health Law, which had been discussed in the Animal Health Expert Group on 15.03.2012 and the Working Paper No 10 referring to the main changes in the first half of Regulation (EC) No 882/2004, which was discussed in the relevant Expert Group on 16.04.2012. A working paper containing the main changes to the second half of Regulation (EC) No 882/2004 will be discussed in the relevant Expert Group on 11.05.2012 and COM reminded that veterinary experts liaise with the experts of the other Expert Groups, mainly the one dedicated to the review of Regulation (EC) No 882/2004.

COM went through the Working Paper No 10 and explained in particular points 1, 2 and 8**.** COM replied to BE, if the impact assessment is not accepted, there are different options foreseen. In any case, fees for imported consignments will remain, even if the second option - to streamline/integrate import veterinary legislation in 882 - would be dropped by the Impact Assessment Board.

IT commented to Article 14 of Regulation (EC) No 882/2004, as they insist that 882 should refer to the Border Control Post (BCP) under the control of the veterinary authority as it is currently in Article 6 of Directive 97/78/EC. In addition, they would like to maintain the EU approval for BCPs to ensure harmonisation amongst MS.

COM reassured MS adding that the new regulation will offer empowerment to identify specific training requirements for staff working in BCPs. Like for BIPs, there will be Commission Inspections first before a BCP designated for certain categories can open. For specific goods (live animals, POAO), specific staff requirements will be maintained.

EL and CY were also in favour that the CA responsible for the decision of the controls and the management of the BCP should be an official veterinarian, according to Decision 97/78/EC. If, according to point 8 b) in working paper, the selection of staff is a political decision, they need to be sure that the final decision is taken by a veterinarian on relevant goods and this needs to be clarified in the Regulation.

COM took note of these concerns and will work on creating the possibility of imposing specific training qualifications for the relevant staff at BCPs dealing with veterinary controls.

NL stressed that if only plants are checked in a BCP, there is no need for a veterinarian. COM clarified, depending on the categories for which a BCP is designated, the responsibilities of staff need to be specified at the national level.

UK was concerned over the lack of consistency between 882 and the new Animal Health Legislation (AHL), especially Article 19 in 882 (action following official controls on feed and food from third countries) and Q+9b in AHL. COM confirmed they would deal with this later.

According to BE, meat products need to be certified by a veterinarian, but a laboratory officer could take decisions on animal-by products. DE would prefer a veterinarian responsible for the decision on a consignment of live animals and animal products.

COM took note and asked MS to reply to the following questions mentioned in point 8 f) of Working Paper No 10:

(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?

IT would be interested in the origin of consignment, Taric-code, transit or transhipment and all information should be provided before the arrival of the goods, preferably in electronic transfer. Health information should be through the single window system.

DE stated that the communication from Customs to BIPs should improve, however, the confidentiality of tax data needs to be respected. The new legislation should make it clearer to Customs authorities that they have to inform BIPs., as well as to airlines, airport companies, shipping companies that they can inform the BIPs directly and do not need to use the channel from customs to BIPs.

DE asked why the definition of "import" is deleted. COM replied that it is deleted because it is not in the Modernised Customs Code (MCC), to which the new 882 will have to be aligned. That concept is replaced by "entry" as "import" or "introduction" are not used in any other relevant EU legislation in this context.

For RO, on the reply to the above questions, the CN codes are the most important and they would prefer to receive the information before the arrival of the consignments on the EU territory.

COM concluded in insisting that MS send their replies/comments, within one week, to the special mailbox: **sanco-review-882-2004@ec.europa.eu.**

COM presented the draft proposal on the new Animal Health Legislation (AHL, SANCO 7221/2010-Rev3), pointing out that some titles (especially in part V of the proposal) will change to align with the terminology used in the control legislation 882. For example, "introduction" in part V will be changed into "entry". COM informed that there are no provisions for veterinary checks, either for introduction to the EU, or for intra-EU movements in the AHL as they will be in 882. However, the conditions for entry into the EU and for intra-EU movements will be in the AHL as well as in the Hygiene-Legislation.

COM also mentioned that the document distributed was already outdated, as it is currently at the final stage of drafting under revision 4 and discussions with MS are nearly finished. The timeframe for adoption is designed to be the same as for 882.

BE stated that there is a high level of details which does not leave a lot of space for delegated acts and asked if Directive 2002/99/EC will be repealed. COM replied that the provisions/requirements of Directive 2002/99/EC will be in the new AHL. All existing legislative acts might be repealed by 882 or AHL.

NL asked for an updated overview of the legislation which will be repealed by the AHL and COM promised to distribute it after the meeting (distributed on 03.05.2012, D/637273).

In this context, COM/TAXUD updated the group on the Modernised Customs Code (MCC) which will be amended to allow for implementing and delegated acts in accordance with the Lisbon Treaty. This will happen in form of a recast and the name will change to Union Customs Code (UCC); it is planned that the UCC enters into force before 24.06.2013. The proposal for the recast foresees that the implementing measures enter into force 18 month after the adoption of the UCC.

COM clarified that "temporary storage" is a customs procedure, however, there are no requirements laid down for the customs declaration for this procedure. In general, the requirements for "temporary storage" are expected to be stricter than the ones existing under the current Customs Code, however, specific requirements for products of animal origin should be laid down in specific legislation. COM pointed out the constant good cooperation and meetings between SANCO and TAXUD on this issue to ensure best alignment of the relevant legislation.

BE worried about the lack of clarity for implementing measures in customs legislation, in particular for the obligation of customs to co-operate with other services and DE asked if the link in customs legislation for the prohibitions and restrictions is applicable when goods enter the territory or when they are imported. COM clarified that the UCC will contain an Article with provisions for co-operation with other services (which is already the case in the existing Customs Code) and that 'entry' or 'import' do not need to be defined, if goods enter into the customs territory before a customs declaration is made. The prohibitions and restrictions will be linked to the different customs procedures available.

2. BETTER TRAINING FOR SAFER FOOD (BTSF) BIPS (MG/PL)

The current series of BTSF courses for BIPs to finish at the end of 2012. COM had already held internal discussions relating to the launch of the technical specifications for the tender procedure for a new round of 11 BIP courses in 2013/2014.

Main problem currently experienced is that the information provided in the BTSF courses is not cascaded to other BIP colleagues within the Member States although representatives of the competent authorities participate in the courses, sometimes even in several courses. Therefore, COM asked to focus more on the distribution of the information provided in the BTSF courses from the top to the bottom, meaning to the individual border inspection posts. The FVO may as well focus more on this point during their import control audits.

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

COM informed that following complaints of the RASFF contacts in their working group on 20.03.2012, they have sent the Draft Guidance Revision 7 to the RASFF contact points for comments on 03.04.2012. COM re-iterated that co-operation between the different services on a national level is crucial to ensure that the re-enforced check (REC) regime in TRACES can run smoothly and without problems. Even if the Guidance is still at a draft stage, it needs to be forwarded to all relevant services in MS to make them familiar with the basic principle and procedures. Any changes expected to the Guidance will not change the basics but will mainly be fine-tuning and alignment with TRACES or RASFF SOPs.

Comments were provided from RASFF contacts from BE, ES and IT and from the DE representative, which were included in Revision 8 as distributed on 24.04.2012. COM informed that work is ongoing on the new RASFF template which on completion will be launched in TRACES.

COM explained the changes introduced in TRACES following the experience collected since the launch of the REC-application in TRACES: e.g. RASFF proposals for re-enforced checks are indicated in the overview table in TRACES as "new". When they are validated by COM, they move to the status "active". Following comments from MS referring to confusion with the "new" status, these will be deleted from the overview table and only active RECs will be included in the table.

As several questions were raised for the REC for sterility of fishery products from TH, COM clarified that following two unfavourable test results, the second and third series was not automatically triggered. COM looked into this and amendments have been initiated in TRACES. For the same example: the date of sampling is the trigger for calculating the first 10 consignments. Although laboratory test results can be delivered in a different order than their dates of sampling, the release of the consignments and the lifting of the re-enforced check programme should follow the achievement of favourable results of the first 10 consignments. COM clarified that all consignments sampled under that REC programme should stay detained until the relevant test result is available.

COM reminded MS that it is crucial to completely fill in the RASFF notification in TRACES, in particular to include the laboratory method, product type, hazard, analytical

results; the size for attachment of relevant documents has been increased to 5 MB to allow for this. In addition, BIPs should include the data and results of laboratory tests in TRACES correctly and as soon as they receive them, in particular if a RASFF notification has been launched (example: 2012.ASC: CAP in rabbit meat, RASFF started in TRACES but as no laboratory results in TRACES, the RASFF notification cannot be launched in TRACES). BIPs have the possibility to indicate in their user profile that they want to receive the results of laboratory tests directly.

It is also necessary to indicate at first the physical checks in the CVED and to save the CVED "in progress" until the laboratory results are available. Then the results should be included in the CVED and the RASFF notification should be launched. It is also important to include the CVED triggering a RASFF immediately in TRACES to launch the REC procedure, in particular in case of market notification.

Following the last Expert Group, COM had received lists of existing re-enforced check programmes from BE, DE and UK. It is difficult to include the old ones – pre-2012 – in TRACES as relevant information is often missing and MS should follow up on these individually ensuring they close them out when appropriate.

COM asked MS who should decide to launch a programme of re-enforced checks, the BIP issuing the RASFF notification or the National RASFF contact point. DK replied the RASFF contact point would be appropriate to launch RECs but they should do it also for market notifications. CY stated that, in some MS, the RASFF contact points would not be familiar with the veterinary legislation.

COM explained that the Guidance explains clearly the criteria for launching RECs, which link to the lists and examples agreed by the RASFF members, which are laid down in the draft Standard Operating Procedure No 2 for RASFF and how the RASFF notification based on market notifications would be launched in TRACES by the BIP.

ES questioned the commodity for which RECs should be launched and COM replied that the sections of the product lists based on Regulation (EC) No 854/2004 are reflected in TRACES and all commodities of the relevant section will be chosen. The RASFF contact point has the possibility to propose a limited scope of the commodities.

In addition, COM informed that, with the updated TRACES version, inclusion of the sampling date becomes compulsory. MT and CY highlighted that they have to send their samples abroad, which is time consuming for achieving the results and can lead to delays particularly when deciding as to whether a REC should be lifted or extended.

DK asked if COM will close a REC, when e.g. for one of the first 10 samples no result can be achieved in TRACES. COM replied affirmatively but this would be a case by case decision and would need to be evaluated accordingly.

COM reminded MS that the detailed criteria for launching a REC are set out in chapters 5 and 6 of the draft Guidance. The REC proposed by the national RASFF contact is triggered in TRACES only, when validated at Commission level. Some MS (NL, DE, CY) raised the need to be informed when and why COM does not validate proposals for RECs. COM explained that all proposals not compliant with the requirements described in the draft Guidance will not be validated with a REC. All cases are evaluated carefully by the G6/RASFF/TRACES teams and COM takes note of the need to inform the

national RASFF contact point directly or through a "free text" box in TRACES in case a proposed REC has not been validated.

COM proposed to present the draft Guidance to the June SCFCAH for agreement, if no further comments were received, and suggested that the experts contact their RASFF colleagues for a last review and come back with comments within one week at the latest.

4. TRACES ISSUES (KK)

COM gave a presentation on the use of TRACES indicating the third countries participating in TRACES and encouraging BIPs to use the cloning option for transferring health certificates into CVEDs. The options to be introduced in the **upgraded TRACES Version 5.31,** which will be launched in the last week of May 2012 were presented.

Reminders are introduced, e.g. for the temporary admission of horses or in case laboratory results are not inserted in TRACES or the decision for rejected consignments, a reminder will be sent to the relevant BIPs of the CVEDs which are not filled in completely.

COM stated that the FVO informed that the first part of the CVED is often not filled in correctly in TRACES, in particular in relation to the product description and the amount and weight of the consignments. More care should be given concerning the use of points and commas in relation to the amounts. This is clearly explained in the guidance notes for TRACES which are available on the CIRCA-websites.

COM explained that there will be two new types of documents in TRACES, the commercial document necessary for the intra-trade of ABPs and the declaration document for intermediate ABPs, which will be filled in by the operator and which enable the BIP to send the notification e-mail to the competent authority at destination.

A number of other useful additional features were included and are available in the training environment of TRACES. The release notes for the new version were available for MS to view today and to use within the training facility.

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, which was voted in SCFCAH on 08.03.2012, was published on 18.04.2012 as Commission Implementing Decision 2012/197/EU (http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:106:0022:0027:EN:PDF).

To date, new requests for changes in the Annexes to that Decision have been provided from DE (two changes and one new BIP) and PT (Aveiro). COM asked for further changes and the deadline for providing new requests for BIPs and TRACES would be 15 May 2012.

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. COMPOSITE PRODUCTS (MG/PL)

COM explained that Regulation (EU) No 28/2012 does not change the approach towards composite products, but only introduces public health conditions to composite products. COM raised the attention of the experts to the "Guidance document on the implementation of certain provision of Regulation (EC) No 853/2004 on the hygiene of food of animal origin", which is published on the following site:

http://ec.europa.eu/food/food/biosafety/hygienelegislation/guidance_doc_853-2004_en.pdf

Chapter 3.4 of that Guidance is referring to food containing both, products of plant origin and products of animal origin and gives some examples of such products which would be considered as composite products and which not. In general, when plant products are just added to a product of animal origin, this does not mean that consequently a composite product exists.

There is a transitional period foreseen for the use of the certificate laid down in the above Regulation, which ends on 30 September 2012. However, the Commission has sought MS co-operation to continue to accept both new and old health certificates for composite products until a revised certificate has been agreed upon (see fax from COM to CVOs dated 02.03.2012). The revised certificate has been agreed and the Regulation amending the certificate in Regulation (EU) No 28/2012 to add animal health requirements for egg products has been voted in SCFCAH in April 2012. It is valid from 01.01.2013 but the certificate can be used already earlier, which has been agreed by MS in the relevant SCFCAH to avoid that third countries have to produce different sets of certificates for composite products.

In addition, the amendment allows that third countries may use meat and/or milk products produced in the EU or in another third country, provided that those are listed for the same group (A) for meat in Regulation (EU) No 206/2010 and for the same group (A and B) for milk products in Regulation (EU) No 605/2010 as the third country producing the composite product. These amendments have been introduced on request of certain third countries. For this type of trade, only the treatment groups guaranteeing the highest health status have been agreed to avoid that meat or milk products with a lower health status are introduced into third countries with a higher health status and later on imported into the EU as they could present an animal health risk.

COM had requested the EFSA opinion on the public health risk of composite products listed in Annex II to Decision 2007/275/EC. The draft report is available and raises public health risks for certain composite products listed in the above Annex. Therefore,

once the report is finalised, there will be a need to consider import conditions and the requirement for veterinary checks in BIPs for those products deemed a risk to public health. COM is waiting for the final EFSA report to be published to send the website link to the expert group.

CY requested some guidelines for whey composite products, and how to deal with them (ex: body building food supplement). They are often not declared as milk products but as food additives (like vitamins). COM agreed on the need to develop some clarifications and added that most composite products are not declared as such (e. g. colourings from animal origin under Heading 3203 or flavouring on milk basis under Heading 3302). There might be more products in Chapters 32 and 33 of the customs nomenclature, which needs to be evaluated for consideration to amend Annex I to Decision 2007/275/EC.

CY asked which certificate should be used for products containing less than 20 % of milk product and which are not shelf stable and COM replied that the part of the milk certificate in the Annex to Regulation (EU) No 28/2012 would need to be used. In addition, COM clarified that not shelf stable composite products, which contain less than 50 % of milk products do not need to be presented for veterinary checks, if they were heat treated throughout their substance, so that any raw product is denatured.

COM told DE to send immediately the information relating to translation mistakes in the certificate for composite products to SANCO.

BE asked for clarification as to the certification for certain composite products and which certificate would be appropriate for surimi. COM clarified that surimi is a fishery product as it is produced from raw fish. Therefore, the fishery product certificate as provided for in Regulation (EC) No 2074/2005 should be used. In addition, COM confirmed that if the specific meat/fish/milk certificate laid down in vertical EU legislation is presented for a composite product, this could be accepted by the BIPs as the specific certificates are more stringent than the one in the Annex to Regulation (EU) No 28/2012.

PL asked for clarification on the application of Article 3.3 of Regulation (EU) No 28/2012 in relation to the approval or registration of the establishment of origin, e.g. for collagen. COM replied that it should be an approved establishment appearing in the SANCO list. However, there is a derogation for EU public health rules until 31.12.2013 and MS can accept such products based on national lists.

In reply to UK, COM hoped that the amendment to Regulation (EU) No 28/2012 could be published in the Official Journal before the summer break.

COM concluded and asked Member States for their views, if products of animal origin in Chapter 32 and 33 of the customs nomenclature would need to be presented for veterinary checks in BIPs to verify that they can be placed on the market without any health risks.

7. TRANSHIPMENT: ROAD FEEDER SERVICES

COM explained that around one third of consignments being transhipped at airports do not leave the relevant airport by plane but by trucks. This has been identified as a common practise, however, for these consignments, the full veterinary check has to be

carried out in the airport, in which the consignment is arriving by plane but leaving by truck on the road. Usually, the trucks are identifiable easily as they are equipped with roller beds. However, these consignments are difficult to identify on the manifests as they are appearing on the airway bills as transhipments and even for the transport by truck, an airway bill is used. Usually, these consignments are travelling under customs procedure T 1. Most of the airlines are authorised consignors according to Article 444 and 445 of Regulation (EEC) No 2454/93, which means that simplified transit procedures for T 1 are applicable and the consignment is declared to customs only on the manifest. In addition, the consignments do not need to be presented to the customs office at the airport, which they leave by truck but only at the airport of destination.

COM asked MS to inform their airport BIPs to pay more attention to this kind of traffic, as they have received information that consignments without veterinary checks have arrived at airports by truck.

8. INTRODUCTION OF CIRCUS ANIMALS (G2)

COM clarified with a letter (Ares 503115) to certain third countries the requirements for the introduction of circus animals from third countries into the EU, which was submitted to MS on 24.04.2012.

Several MS asked for clarification in relation to the application of Regulation (EU) No 206/2010 for circus animals. COM clarified that the third country lists under that Regulation are applicable for the import of circus animals and are the only lists established under Directive 2004/68/EC. In any case, most of the third countries to which the above letter had been sent, are not listed in Regulation (EU) No 206/2010 for the export of ungulates to the EU.

9. UPDATE ON ILLEGAL, UNREGULATED AND UNREPORTED (IUU) FISHING ISSUES

DG MARE informed that notifications from 90 countries were published whereas notifications from 8 countries (Ukraine, St. Maarten, Honduras, Iran, Kiribati, Marshall Islands, Micronesia, Togo and Vanuatu) were still pending. DG MARE stressed that only imports from vessels from notified countries were allowed under the IUU Regulation.

DG MARE also informed that missions to evaluate the implementation of the IUU Regulation had been carried out to a number of countries, including Panama, Belize, Sri Lanka, Mauretania, Thailand, China, Guinea Conakry, Senegal, Korea, Indonesia, Papua New Guinea, Philippines and Taiwan.

DG MARE stressed that among the countries evaluated, a number had been subject to a subsequent informal dialogue on how to improve the implementation of the IUU Regulation. If no actions are taken, the Commission can then formally open a dialogue by identifying the country as non-cooperating under chapter VI of the IUU Regulation. This has no legal consequences for the country, but should it later on be listed by the Council, trade in fishery products covered by the IUU Regulation will become prohibited. At present, no third countries have been identified.

In addition to transposing blacklists of vessels from Regional Fisheries Management Organisations (RFMOs) into EU law (latest one is Regulation 724/2011), the Commission also has its own possibility of blacklisting EU and third country vessels with economic consequences for such vessels in accordance with chapter V of the IUU Regulation. DG MARE has launched a large number of investigations against EU and third country vessels based on substantiated evidence received from civil society, flag States, coastal States. Procedures are set out in the IUU Regulation. At present, no vessels have been identified.

Finally, DG MARE informed of the system of mutual assistance under the implementing rules to the IUU Regulation. This system provides information to the single liaison offices (SLOs) in Member States on risky consignments, vessels or products from certain countries. DG MARE encouraged the veterinary and health authorities to cooperate with the single liaison offices in the respective Member States. The list of SLOs provided by DG MARE to facilitate the contact is attached.

In response to a question from BE, COM replied that the reports from the evaluation missions were not publicly available.

DG SANCO added that if IUU listed vessels are on the SANCO lists of authorised vessels, the Competent Authorities of the third country whose flag is beard by the vessels will be contacted and it will be verified if the vessel complies with the hygiene Regulations. The two DGs work in close co-operation and joint missions with the FVO are planned.

10. NON-CONFORMING CONSIGNMENTS TO NO AND IS

COM was informed that non-conforming consignments, identified as going for ship supplies, are accepted by MS-BIPs for Norway or Iceland, although these countries do not have any approved customs warehouses or ship suppliers under Article 12 and 13 of Directive 97/78/EC.

Therefore, COM raised the attention of the participants to this issue and asked them to inform their BIPs, when releasing non-conforming consignments for storage in customs warehouses or for ship supply to pay more attention to the need for specific approved warehouses for such consignments. The warehouses approved for such purposes are published on the following link:

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

Should such consignments be destined to MS or NO/IS, which do not have such warehouses approved, they cannot be accepted and can only be sent directly to the ships leaving the coastal waters for the consumption of their crew and passengers.

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

A) Bee pollen and propolis from China

COM clarified that bee pollen and propolis are bee products different from honey and royal jelly but they have to undergo veterinary checks in border inspection posts as they were in contact with the saliva of the bees.
With Commission Decision 2002/994/EC, protective measures have been put in place to avoid the introduction of products constituting a serious risk to human or animal health from China into the EU. This Decision in fact prohibits the import of all products of animal origin from China, which are intended for human consumption or animal feed use. By derogation, the import of certain products listed in the Annex to that Decision is allowed. Therefore, only the products specifically listed in that Annex are allowed to be imported, which are honey and royal jelly.

Bee pollen and propolis are not listed in the Annex to Decision 2002/994/EC and cannot be imported into the EU if originating from China and destined for the production of food supplements.

Same is applicable for fish meal as defined in Regulation (EU) No 142/2011.

Animal by-products are not intended for human consumption and thus are not fishery products, therefore fishery products do not fall under the scope of Regulations (EC) No 1069/2009 and (EU) No 142/2011.
However, fishery products can also include processed proteins if they are edible i.e. intended for human consumption. In that case the health certificate under which imports are allowed, and must enter the EU, is laid down in Appendix IV to Annex VI to Regulation (EC) No 2074/2005. Obviously the health attestation of this certificate has to be ensured by the competent authorities of China.

IT stated that most of the propolis arriving is coming from China and that this interpretation could cause problems to the trade.

On request, COM clarified that similarly chondroitin sulphate, glucosamine or chitosan originating from fish cartilage is allowed from China, while it would be prohibited, if originating from red meat animals, such as bovine, swine, caprine, ovine etc.

B) Questionnaire on vehicle cleaning and disinfection for live animals

COM had sent a questionnaire in March 2012 to all Member States to collect data on vehicle cleaning and disinfection at Union borders. The questionnaire aimed for a better preparation of discussions regarding the risk of animals diseases such as African Swine Fever (ASF) which could be introduced by empty trucks returning back from third countries (in particular Russia) after the delivery of live animals and without them having been cleaned and disinfected properly. The results of the questionnaire were presented to MS in SCFCAH on 03.04.2012 and the summary presented by COM is attached.

COM gave an overview of the replies received from 21 Member States indicating that due to divergent positions in the replies, in particular to question 10, further information would be appreciated. Not surprisingly, those Member States having borders with third countries, thus facing the burden, are more in favour of introducing cleaning and disinfectant measures on a voluntary basis instead on a compulsory basis while those not sharing border would prefer it to be done compulsorily at the borders. COM plans,

possibly in June a joint meeting with competent authorities and stakeholders to evaluate further, which are effective and proportionate measures.

NL questioned if those MS opting for voluntary measures would be aware where the risk of introduction of animal diseases are and COM replied that the risk is not that high for returns from third countries in which the diseases e.g. the ASF virus, have been eradicated. Although mainly EU trucks are properly disinfected, exporting MS should be aware that third country trucks are likely to be less disinfected, possibly far from the expected level.
NO, having no exports but a border with Russia, asked if they had been consulted and COM replied they will check and consult NO if not yet done.

C) Guidance for ABP Regulation:

The below link to the Guidance document agreed by SCFCAH on 07.02.2012 has been sent to MS experts and COM had asked for feed back.

http://ec.europa.eu/food/food/biosafety/animalbyproducts/guidance_doc_r142_2011_7_1_2012_en.pdf

COM informed that this Guidance document will be updated with the amendment to Regulation (EU) No 142/2011, as the amendment will reply to the questions raised in that Guidance.

BE noted that R&D samples destined to a different Member State have to be notified through TRACES but the system does not allow for that. As no veterinary checks are necessary, it has to be clarified who should notify and how. In addition, TRACES should have been adapted accordingly, before adopting the legislation requiring such notification. UK supported BE and FR asked for further details on samples destined to laboratories.

COM clarified that for imports/transit of R&D samples as described in Article 27 of Regulation (EU) No 142/2011, no veterinary checks in a BIP are necessary. However, if they are destined to a different Member State of destination than the one in which the entry point is located, a notification of the arrival on EU territory has to be made in TRACES. COM will adapt the first part of the CVED to cater for this and asked how the BIP receives currently the notification from the importer. COM advised to use the CVED for these notifications and to indicate on the second part only a documentary check, until a more suitable document has been developed.

D) Brine shrimp cysts as dried cysts for ornamental purposes

IT questioned if brine shrimp cysts as dried cysts for ornamental purposes would fall within the scope of Regulation (EC) No 1251/2008.

COM referred to the text for the question " **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?"** published on the following website:

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

DE stated that the destination of the consignment is relevant for the definition of the import requirements of brine shrimps and IT referred to the fact that crustaceans are not covered in Directive 92/65/EC.

COM replied that wild sea monkeys are not covered in the scope of Directive 2006/88/EC, which determines the scope of Regulation (EC) No 1251/2008. COM explained that wild animals are in general outside the scope of Directive 2006/88/EC, except when they are moved into aquaculture. In addition, aquatic animals kept in non-commercial aquaria are also falling outside the scope of that Directive. Consequently wild sea monkeys transported as cysts until they reach the final consumer, which would be the keeper of a non-commercial aquarium, are regarded to be outside the scope of that Directive. This is not in contradiction with the description for CN code 0306 in the third column of Annex I to Decision 2007/275/EC, as the reference to Regulation (EC) No 1251/2008 is referring only to the second part of the paragraph, underlined in the following text:

"Covers ornamental sea monkeys and their cysts for use as pet animals; *and all live ornamental crustaceans as provided for by Commission Regulation (EC) No 1251/2008*"

COM concluded that Directive 92/65/EC regulates the import of all live animals which are not covered by more specific Union legislation. Since the wild sea monkeys as described above fall outside the scope of Directive 2006/88/EC, they fall within the scope of Directive 92/65/EC.

D) Import of pelletized hay and straw

COM explained that either Directive 97/78/EC neither Regulation (EC) No 136/2004 differentiate untreated hay and straw from heat treated hay and straw. In addition, no heat treatment and not health certificate have been laid down in EU legislation and therefore the requirements applicable for import of untreated hay and straw are applicable. Some MS commented and raised concerns as to why massively hay and straw is exported from Ukraine and COM raised the attention of the experts to Annex V to Regulation (EC) No 136/2004 detailing the third countries from which untreated or pelletized hay and straw are allowed to be exported to the EU.

At the end of the day, IT raised a question in relation to the certificates or documents against which a documentary check for transhipments destined to third countries has to

be made when the minimum period of 7 days (14 days for Gioia Tauro) has elapsed. COM promised to clarify and replied bilaterally that in relation to the certification necessary for transhipments destined directly to third countries, this is clearly stated in the Guidance document for transit and transhipment, chapter 9.4.2, 3rd paragraph:

"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 case there is no original certificate or veterinary document of origin presented after the above mentioned minimum period to the BIP, there is no need to detain the consignment at the BIP and wait until such a document could be presented, provided the identity and destination of the consignment can be verified by checking any other relevant original document or authenticated copy thereof. The consignment could then be released for transhipment to the relevant third country of destination.

(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, E. Strickland, J. Lepeintre, J. Vitasek, G. Gallhoff, G. Maréchal, N. Guth, A. Barna, W. Maier, D. Carton, K. Kroon, P. Bernorio, W. Demel, M. Klemencic, J. Eckert, 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, A. Berends, K. Kadner, M. Wils, G. Jennes, D. Kjolsen, Unit G6.

EXPERT GROUP ON VETERINARY IMPORT CONTROLS LEGISLATION
"VETERINARY CHECKS"

02 May 2012

– AGENDA –

1. **REVIEW OF LEGISLATION (MG/PL)**
2. **"BETTER TRAINING FOR SAFER FOOD" (BTSF) BIPs**
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. **TRANSHIPMENT: ROAD FEEDER SERVICES**
8. **INTRODUCTION OF CIRCUS ANIMALS**
9. **UPDATE ON ILLEGAL, UNREGULATED AND UNREPORTED (IUU) FISHING ISSUES**
10. **NON-CONFORM CONSIGNMENTS TO NORWAY AND ICELAND**
11. **MISCELLANEOUS**
    - **A)** Bee pollen and propolis from China
    - **B)** Questionnaire on vehicle cleaning and disinfection for live animals
    - **C)** Guidance for ABP Regulation
    - **D)** Brine shrimp cysts as dried cysts for ornamental purposes