

Minutes of the meeting of the expert group to discuss requirements on the entry into the EU of products of animal origin under Regulation (EU) 2016/429

23 January 2018, Brussels

1. Approval of the agenda

A preliminary agenda was circulated prior to the meeting. The agenda was approved with the addition by the Commission of one point under miscellaneous on the entry into the Union of hay and straw.

2. Nature of the meeting

The meeting was non-public. The Member States' and EEA countries representatives from the competent veterinary authorities were participating in the meeting. The Chair noted the absence of the European Council and the European Parliament.

3. List of points discussed

3.1. Introduction, opening

The Commission thanked Member States for the comments and feedback submitted following the meeting of October 2, 2017, on the animal health requirements for the entry into the Union of products of animal origin.

The Commission clarified that there are ongoing discussions internally and with Member States on several issues in the framework of the Animal Health Law and Official Controls, which could have an impact on the future delegated act on the animal health requirements for the entry into the Union of animals, germinal products and products of animal origin. In particular, requirements for entry into the Union will depend on the outcome of the discussions on the listing and categorisation of animal diseases and on the requirements for intra-EU movements. The Commission pointed out, however, that the discussions in this expert group will focus only on the animal health requirements, whereas public health aspects and any other relevant issues will be discussed in different fora.

The Commission distributed and commented a draft document giving the possible structure of the future delegated act on entry into the Union of live animals and products of animal origin.

3.2. Introduction to the future draft delegated act concerning animal health requirements for entry into the union of animals, germinal products and products of animal origin under Regulation (EU) 429/2016

The Commission representative [delivered a presentation](#) on the approach and possible content of the future delegated act concerning animal health requirements for entry into the Union of animals, germinal products and products of animal origin.

The Commission referred to the expert and working group meetings on listing and categorisation of animal diseases, provided a summary of the state of play and explained the relation between the different IAs and DAs to be adopted under the Animal Health Law.

One Member State asked to clarify whether entry into the Union of pet animals will be covered by the delegated act under discussion. The Commission confirmed that Regulation (EU) No 576/2013 on non-commercial movements of pet animals will continue to apply until 21 April 2026 and that the future delegated act will include the animal health requirements for the entry into the Union of pet animals for commercial purposes.

At the request of one Member State, the Commission confirmed that animal by-products are excluded from this discussion and that the scope of this act concerns only products of animal origin for human consumption.

3.3. Presentation and discussion on the animal health requirements for the entry into the union of products of animal origin

The Commission presented the working document distributed to Member States prior to the meeting. Several delegations expressed their support to its technical content.

A. Products concerned

The Commission presented the products that would be covered by the future delegated act and, at the request from Member States, clarified the following:

- In relation to animal health risks, meat preparations are considered as fresh meat and therefore they should be covered as fresh meat. The definition of fresh meat would be amended in order to include meat preparations.
- Requirements for the entry into the Union of fresh meat from several animal species are not yet included in the draft working document. For some species, e.g. poultry, requirements are going to be developed, but for others it will depend on whether or not the relevant diseases are listed (e.g. lagomorphs).
- The only insects that are considered as terrestrial animals are bees and bumble bees. Other insects are considered as other animals and rules can be adopted under the Animal Health Law. However, currently there are no animal health requirements for the entry into the Union of insects and according to Directive 92/65 those requirements are subject to national rules. Same applies to reptiles and other animal species which do not pose animal health concerns.

B. Definitions

The Commission explained that only definitions relevant for the text presented for discussion at this meeting were included in the working document. More definitions will be added to take into consideration all the relevant animals and products for which specific animal health requirements apply upon entry into the Union. The definitions used in the working document were mainly taken from Regulation (EC) No 853/2004. However, as some of the definitions in that Regulation did not address the particular needs connected with the animal health risks of specific products, some definitions were adjusted accordingly. This applies in particular to the definitions of carcass and offals. Where a definition for both public and animal health would exist for the same product, the most restrictive definition would be the limiting one for the entry into the EU of the product of animal origin, as is already the case today in the veterinary certificates for entry into the Union of certain products or animal origin.

Three Member States supported the Commission's proposal to use the definitions of existing legislation and establish additional definitions where needed, but pointed out that extra care should be given to certificates in order that rules are clear to officials. One Member State expressed concerns that different definitions for public and animal health reasons might cause confusion for controls.

C. General animal health requirements applicable to all categories of products of animal origin

The Commission reminded Member States that in accordance with the Animal Health Law the future delegated act will refer to "animal health certificate" and not "veterinary certificate". The "animal health certificate" will include only animal health requirements, whereas the "veterinary certificate" will also include other requirements (e.g. PH,AW,OC). Furthermore, the Commission noted that the reference in the working document to "other documents" refers to products of animal origin which possibly would not need to be accompanied by an animal health certificate.

D. Fresh meat

The Commission noted that animal health requirements for the entry into the Union of fresh meat will depend on the outcome of the discussion on the listing of diseases.

The question whether at the time of ante mortem inspection ungulates should show no clinical signs of either "diseases" in general or "listed diseases" was put forward by the Commission. Member States who took the floor supported that the requirement should be for "diseases" in general. The Commission commented that certificates currently contain a general clause that animals should not be under restriction due to other diseases.

In relation to "fresh meat of kept bovine, ovine and caprine animals, except game ungulates" the Commission indicated that there are currently requirements in relation to rinderpest. However, as the disease has been eradicated, the Commission asked Member States whether they consider it important to keep those requirements in the future. One Member State took the floor and suggested to keep the requirements for that disease until the list of diseases is agreed.

In relation to FMD, the Commission informed that existing rules in relation to FMD strains SAT and ASIA1 have been included in the working document for Asian and African countries. One Member State took the floor and supported this approach.

Furthermore, the Commission asked Member States to reflect and express their views on the following:

- The requirements for ovine or caprine brucellosis in relation to "the establishments of origin of the ungulates" and whether they are still relevant.
- The proposal to delete the requirements in relation to SVD for the entry into the Union of fresh meat of porcine animals, on the basis that, according to the listing exercise, the disease might not be listed.
- The requirements for the entry into the Union of fresh meat of porcine animals in relation to brucellosis.
- The requirements for the entry into the Union of fresh meat of kept equidae in relation to AHS.

Finally, the Commission informed Member States that setting requirements for swill feeding in relation to entry into the Union of pig meat is still under internal discussion and asked them to reflect on this issue and provide their comments.

E. Specific animal health requirements for meat products

Meat products are obtained from fresh meat that can originate in the same third country, another

third country or a Member State. The working document aims to clarify which meat can be used and what treatment should be applied in each case. In this aspect, products are divided in the following 2 groups:

- a) those that do not require any specific treatment (treatment A). This applies to products from third countries which are authorised for the entry into the Union of fresh meat of the relevant animal species. Those third countries would have to use their own fresh meat, fresh meat from another third country that is authorised for the entry into the Union of fresh meat, or fresh meat from a Member State.
- b) those that should be subject to a specific treatment. This applies to products from third countries which are not authorised for the entry into the Union of fresh meat. Those third countries would have to use their own fresh meat, fresh meat from another third country that is authorised for the entry into the Union of fresh meat, or fresh meat from a Member State with the treatment assigned to them. If they use fresh meat from any other third country, which is authorised for the entry into the Union of products subject to a specific treatment, they would have to apply the highest treatment, treatment B (Fo3 or higher).

In relation to the requirements for mixed meat products containing meat from different species, their ingredients should either be treated before mixing or, when mixed before treatment, they should be treated with the highest treatment provided for the species contained in the product.

One Member State considered that the requirement for applying the highest treatment in case of third countries using fresh meat from a third country which is authorised for the entry into the Union of products subject to a specific treatment, could be perceived as restricting trade. The Commission explained that assigning treatment B in such cases addresses any possible problem for animal health.

Some Member States raised the issue of recontamination of the final products after heat treatment. The Commission will consider whether relevant requirements could be certified by the competent authority of the third country of origin.

F. Specific animal health requirements for milk, colostrum and dairy products

The working document proposes a set of animal health requirements for entry into the Union of milk and dairy products, which are slightly different from the current ones. The Commission explained the main changes introduced into this chapter, as follows:

- The existing list of third countries authorized for the entry of milk and dairy products into the Union, classifies those countries into three categories, the second of which corresponds to those countries that are authorised for the entry into the Union of products subject to a pasteurization treatment. The new approach would not consider pasteurisation as one of the authorised treatments for raw milk, as this treatment is currently laid down in public health legislation (Reg.853/2004) as an alternative to the tuberculosis and brucellosis freedom of the holding of origin. Internal Commission discussions are, however, ongoing to decide if this requirement should be in the public health domain.
- Milk from species, other than bovine, ovine, caprine animals and *Camelus dromedarius*, should be subjected to sterilization regardless of the animal health status of the country of origin.
- The approach proposed for meat products as regards triangulation would apply in the same way to dairy products.

One Member State asked about the coagulation agents. The Commission explained that it's not yet decided if these products represent an animal health risk and therefore need to be subject to animal health requirements. Member States have been encouraged to express their views on this issue.

G. Specific animal health requirements for other products of animal origin

G.1.1 Treatment of casings

Current veterinary certificate refers only to animal health requirements for the entry into the Union of casings. Our current policy allows the import of casings from any TCs as long as the casings have undergone one of the treatments established in the import certificate (dried or salted for 30 days).

In order to clarify the requirements for introduction of casings, a definition is proposed, in alignment with the OIE definition of casings. Furthermore, the requirements for risk mitigating treatment of casings have been updated taking into account the conclusions and recommendations of the EFSA opinion on animal health risk mitigation treatments as regards imports of casings. Treatment requirements have been further specified as regards the salting procedure and the bleaching and drying of casings are no longer permitted as stand-alone treatments. In addition, the working document specifies the animal species from which casings can enter the Union.

The Commission is considering the possibility of the use of the treatments in force today for TCs which are listed for fresh meat or meat products.

G.1.2 Entry into the Union of treated raw material for the production of gelatine and collagen intended for human consumption

The working document proposes to keep the same approach for the entry into the Union of collagen and gelatine as today.

One Member State asked for animal health requirements for the entry into the Union of honey, because third countries, such as China, require animal health guarantees through certification in case of exports. The Commission replied that currently only animal health requirements are in force for entry into the Union of honey as by-product, but no animal health requirements for honey for human consumption have been laid down. The Commission will consider the proposal, but requirements for exports are an issue to be raised with importing third countries.

H. Specific animal health requirements for composite products

The Commission clarified that the AHL is the legal basis to set the animal health requirements for the entry into the Union of composite products. Other requirements can be set under different legislation, such as the Official Controls Regulation or public health requirements to be established based on the hygiene package. This issue is being discussed in the framework of the OCR Regulation, therefore it is not possible at this stage to know exactly which requirements would be applied. In view of the outcome of other discussions on this matter, it is possible that the proposed approach might need to be slightly changed. In relation to animal health, composite products are split into two categories: a) composite products that contain meat products in any quantity and composite products that contain dairy and/or egg products and are not shelf-stable and b) composite products that contain dairy or egg products and are shelf-stable. Composite products of the first category would have to be accompanied by a certificate, whereas those of the second category by a declaration. Furthermore, as composite products of the second category are not relevant for animal health, there would not be a requirement that they originate from a listed third country.

Several Member States supported the need for a definition of composite products and shelf-stable composite products. The Commission considered that a definition of composite products could be added, but not necessary to define shelf-stable.

I. Specific animal health requirements for products of animal origin for personal consumption

The Commission noted that animal health requirements for entry into the Union of products of animal origin apply to all products, unless a derogation is granted. The proposed text, therefore, is not really a derogation as it highlights the obvious, that products of animal origin for personal consumption shall comply with all relevant requirements. The Commission invited the Member States to send their suggestions.

One Member State asked that the current approach for products of animal origin for personal consumption from Greenland and Faroe islands is reproduced under the new legal framework.

3.4. Miscellaneous.

Entry into the Union of hay and straw

The Commission reminded Member States that according to existing legislation only third countries which do not pose a risk for FMD are authorised for the entry into the Union of hay and straw. Other diseases may be considered, but that would result in restricting further the number of listed third countries for those commodities. Therefore, the Commission proposes to keep the same approach as today, list third countries according to their FMD risk and channel those commodities through the Border Control Posts.

One Member State asked for relevant requirements for other plant materials that come in contact with animals and present a risk of spreading animal diseases. The Commission replied that the difference between hay and straw and other plant materials that come in contact with animals is that hay and straw are imported in order to be ingested by animals susceptible to FMD and to be in contact with those animals as litter. In the case where other plant materials coming in contact with animals will be identified as a risk for animal health, relevant requirements can be set out.

4. Conclusions/recommendations/opinions

The Commission obtained useful information on the view of Member States on issues which have to be addressed in the future legislation. Such inputs are important for the Commission in this phase of drafting of the future delegated act for the entry into the Union of products of animal origin.

A follow up expert group meeting will be organized to discuss a revised text, including also the requirements for the entry into the Union of other products of animal origin, germinal products and live animals.

The Commission encouraged the Member States to reflect on the issues discussed and provide written feedback not later than 6 February 2018.

5. Next steps

The outcome of the discussion and opinions provided by the participants of this expert group will be used by the Commission during further Commission work towards the preparation of the future

delegated acts under the Animal Health Law, and as relevant in the context of the Animal Health and Welfare Section of the SCoPAFF.

6. Next meeting

The next meeting has been scheduled for February 22, 2018.