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#### NOTE FOR THE FILE

**Subject:** Final Minutes of the Expert Group on Veterinary Checks – 03.09.2014

**Present:** All Member States except Cyprus

Iceland, Norway and Switzerland

Commission Personnel (COM): DG SANCO: Patricia Langhammer (G6), Bruno Saimour (G6), Izaskun El Busto Sanz (F5), Graham Wood (F3), Helene Klein (G2), Pierangelo Bernorio (G2), Didier Carton (G2), Kaido Kroon (G2), Olivier Prunaux (E5), Keren Bar-Yaacov (E5);

DG TAXUD: Cecilia Navarro Garriga (B1)

#### Introduction

After the distribution of the Agenda, several points were added prior to the meeting – Agenda as attached. In addition COM asked Member States (MS), if there were any problems arising for import controls in based on the ban imposed by the Russian Federation of certain products of animal origin from certain third countries. MS did not outline any problems and redirection of consignments does not seem to pose problems for the border inspection posts.

#### 1. REVIEW OF LEGISLATION

COM informed that the reading and discussion of the draft Official Control Regulation (OCR) in the Council's Joint Working Party of Veterinary Experts (Public Health) and Phytosanitary experts continued. COM worked with the Greek Council Presidency and the Council Legal Service on a revised version of the document, which was partly presented for the second reading and discussion. The import chapter was discussed before the summer break.

The Italian Council Presidency is eager to progress with the discussion of the revised version of the OCR and the adoption is still planned by the end of 2015.

#### 2. RE-ENFORCED CONTROLS

COM presented an overview of the re-enforced check regime (REC) in TRACES and reminded MS of targeting the products for a REC appropriately, to safe the CVED "in

progress" and to close CVEDs after receiving laboratory results as in the REC module there are several unfinished CVEDs.

In relation to bivalve molluscs, COM clarified the following:

- 1) smoked molluscs, whether in shell or not, whether or not cooked before or during the smoking process remain in 0307, independent if the cooking has been done in line with the provisions of Chapter II (A)(5)(b) of Section VII of Annex III to Regulation (EC) No 853/2004 or not. Molluscs, which have been boiled or steamed, are not included in 0307 but need to be classified in 1605 according to the Explanatory Notes to the HS-code.
- 2) <u>cooked</u> bivalve molluscs, independent if they are chilled, frozen or canned, are in 1605 independent if the cooking has been done in line with the provision of Chapter II (A)(5)(b) of Section VII of Annex III to Regulation (EC) No 853/2004 or not.

Classification into the above CN codes is not depending on the presence of relaying or purification centres in third countries, but depending on the processing of the mussels. Third countries, which do not have any area classified A and relaying or purification centres, cannot export mussels which are not treated in line with the provisions of Chapter II (A)(5)(b) of Section VII of Annex III to Regulation (EC) No 853/2004. In addition, they need to come from approved establishments. Such mussels would be under 0307 if smoked and cooked and they would be under 1605, if cooked and frozen or canned. Taxes for products under 0307 are lower than for products under 1605.

Certain MS (BE, DK, ES, FR, NL, PT and UK) have been asked to investigate as TRACES showed imports of unprocessed bivalve molluscs from Vietnam, although VN is not authorised to export these products. To date, PT and ES have replied and it seems that VN is exporting blanched molluscs (quickly boiled and not cooked inside) although the health certificate is attesting the appropriate heat treatment. In addition they are classified in 0307. In such case, the BIP needs to carry out a physical check to clarify if the molluscs are only blanched or if the heat treatment requested in Chapter II (A)(5)(b) of Section VII of Annex III to Regulation (EC) No 853/2004 was really applied. If this is not the case, appropriate action has to be taken.

COM asked the MS who did not reply yet to the e-mail sent on 07.08.2014 (ref. D/2893626) to provide the information requested.

BE commented that it is difficult to differentiate aquaculture fishery products from wild fishery products in TRACES as they have the same CN code. In addition, they asked if a REC is necessary for fishery products in transit to third countries, when they are EU-conforming. COM replied that all transit consignments, for which no full veterinary check is carried out, have to be regarded as non-conforming under Article 12 of Directive 97/78/EC. Consequently, REC is not relevant for such consignments.

# 3. INFORMATION TO TRAVELLERS ON IMPORTS OF PETS AND PERSONAL LUGGAGE: FOLLOW UP TO CVOS CONCLUSIONS ON POSSIBLE IMPROVEMENTS

COM informed that during the Working Party of CVOs in the Council in April 2014 the outcome of a questionnaire regarding the information of travelers on conditions for introduction in the EU of dogs and cats (rabies) and personal consignments of products of animal origin was discussed.

While MS commented that there is a need to inform travelers better at the place of departure of the EU, they were not in favor of additional forms or documents, such as a form signed by the travelers entering the EU. It was agreed that no new or amendment of EU legislation was necessary. The Commission acknowledged these comments and clarified that EU law cannot oblige third countries to inform passengers travelling to the EU. COM committed to discuss with Member States possibilities for providing better information to travelers and therefore COM had asked all members of this Working Group to provide relevant information.

ES presented a video detailing requirements and controls for pet animals and outlined the importance to provide information at the origin of the travelers. Several MS confirmed that passengers were often not informed of the need for vaccinations. COM outlined the importance to display such information also at road and ferry crossings, e.g. Tarifa and Algeciras. DE outlined that there are two groups of travelers, the ones returning with their own pets and the ones returning with new pets, the latter of which pose more problems. Therefore they had started a campaign informing truck drivers with posters at truck stations.

BE raised the difficulty for customs to decide if a certificate is correct and COM replied that a close cooperation between customs and veterinary services should ensure an adequate exchange of the right information. COM replied to the question why pets introduced from risky third countries are not banned that such general ban would not be appropriate as 90 % of the pets introduced from third countries are accompanying EU citizens and therefore the information provided to travelers has to improve.

COM reminded MS that there is a legal basis in EU legislation (Regulation (EC) No 206/2009) to provide additional information to passengers and strongly recommended to MS to do so, which is particularly important due to the ASF- and Ebola-risks. COM asked those MS, which did not provide relevant information in advance of this Working Group, that they still could send their contributions to ensure that best practices and ideas can be exchanged.

#### 4. TAXUD ISSUES

#### a) Update on actions taken by DG TAXUD

COM (DG TAXUD) gave a presentation about the update on the state of play of the Single Window-CVED (SW-CVED) and explained the toolbox initiative.

- The pilot project of the EU customs Single Window aims to provide for automated validity checks of the CVED submitted with the customs declarations. This project consists in interconnecting the national MS Customs Systems and the DG SANCO TRACES system holding the CVED data. 8 MS confirmed their

participation in the Conformance tests between the fourth quarter of 2014 and the fourth quarter of 2015 (AT/CY/CZ/IE/LT/NL/PL/SI/SE).

- The "Toolbox" aims at providing guidance to Commission services for developing non-customs legislation requiring customs controls. This will ensure a uniform and smooth customs enforcement of policies for the protection of health, environment. The document has three main components:
  - o Explanations of customs controls on goods
  - o Recommendations on the approach
  - o Recommendations on the drafting of the legal text

COM reminded MS that they need to coordinate with their national customs services as the implementing and delegated acts for the Union Customs Code (UCC) are currently under discussion, in particular regarding the changes for temporary storage procedure. The delegated and implementing acts are foreseen to be adopted by May 2015.

# b) Outcome of questionnaire on enforcement of SPS requirements

COM (DG TAXUD) had introduced the Study on the enforcement by Customs of provisions on sanitary and phytosanitary (SPS) requirements during the last Working Group and had asked MS to reply to the two following questions:

- 1. How do Customs and Veterinary authorities cooperate and communicate to carry out controls on live animals and POAO entering the EU customs territory?
  - Do you identify weaknesses?
  - Do you have recommendations to improve collaboration?
- 2. What are the challenges on the enforcement of provisions on sanitary requirements by customs?
  - Are the tasks between customs and veterinary authorities clearly distributed?
  - Do you have recommendations to improve the efficiency of the controls by customs?

COM (DG TAXUD) thanked for the replies received of 18 MS and a summary of the replies to the above questions and to the questions sent to customs authorities and traders was distributed to MS before the Working Group. COM provided an overview of the replies and indicated that the main points were the following:

- Tools of collaboration between authorities involved in import controls exist in all MS but 60% of customs authorities replied that cooperation could be improved.
- Difficulties in collaboration between authorities involved in import controls are mainly the result of different pace or work procedures, incompatibility of IT systems and different policy and prioritisation of risks.
- 30% of MS stated that they do not have any training on SPS legislation.
- Different practices are identified regarding controls for goods under transit/customs warehousing and for simplified procedures.

A table containing recommendations for improvement from customs and SPS authorities was distributed and discussed. Some MS stated that crises, such as the one concerning the Ebola outbreak, have shown that collaboration is necessary and possible. A discussion took place with the MS about different options of improvement:

- Possible joint Working Group for customs and SPS authorities at EU level.
- List of CN codes for plants in order to facilitate the import checks.
- Common agreements between customs and sanitary authorities, at national level as well as at EU level (e.g. working document on Art. 15(5) goods).
- Common training (e.g. ongoing BTSF sessions about import checks on pets).
- IT interfaces to exchange data (e.g. Single Window and project SPEED2).

COM (DG SANCO) reminded MS of the outcome of the Avian Influenza Working Group, which resulted in the Final report of Customs Working Group on Avian Influenza on co-operation between customs and veterinary services, which is still applicable and published on:

# http://ec.europa.eu/food/animal/bips/guidelines\_en.htm

Whatever the disease, AI, Ebola, ASF or FMD, the messages and recommendations outlined in that report need to be considered and passed to the staff working in the field. COM confirmed that they support a joint working group, even to refresh the information contained in that report. In addition, COM invited MS to involve customs services in the relevant BTSF courses.

COM closed the point in asking comments from MS to the recommendations to customs in writing.

# c) Commission Staff Working Document on implementation by Customs of Regulation (EC) No 669/2009

COM informed that DG SANCO in co-ordination with DG TAXUD developed a Commission Staff Working Document on the enforcement by national customs authorities of Regulation (EC) No 669/2009 as regards the increased level of official controls on imports of certain feed and food of non-animal origin. The document sets out a comprehensive summary of the procedures that must be applied by customs authorities in order to ensure that no feed and food under increased level of official controls is released for importation by customs authorities before the relevant controls have been finalized, in particular for the case of onward transportation.

The document was discussed and agreed in the various Commission working groups with Member States and the final version was presented on 30.06.2014 in the PARCS Expert Group (Prohibitions and Restrictions Customs Controls Strategy) organized by DG TAXUD and on 25.07.2014 in the Working Group meeting on Regulation (EC) No 669/2009 organized by DG SANCO.

The document is published and available on the following website in English, German and French language: <a href="http://ec.europa.eu/food/animal/bips/guidelines\_en.htm">http://ec.europa.eu/food/animal/bips/guidelines\_en.htm</a>

DE: http://ec.europa.eu/food/food/controls/increased\_checks/docs/staff\_working\_paper\_2014\_de.pdf

FR: http://ec.europa.eu/food/food/controls/increased\_checks/docs/staff\_working\_paper\_2014\_fr.pdf

EN: http://ec.europa.eu/food/food/controls/increased\_checks/index\_en.htm

#### 5. DRAFT GUIDANCE DOCUMENT COMPOSITE PRODUCTS

COM informed that the draft guidance document on composite products has been further developed based on the comments from Member States and feed back received during the intra-SANCO consultation from other SANCO Directorates.

It has also been better clarified in which cases a composite product needs to bear an identification mark — processing operations involved and origin from approved establishment is required. The draft guidance document will be sent to the Legal Service and then it can be agreed in one of the upcoming *Standing Committees on Plant, Animals, Food and Feed.* 

# 6. OUTCOME OF HONEY QUESTIONNAIRE

COM reminded MS that the beekeeping advisory group organised by DG AGRI on 25.02.2014 was particularly concerned about how checks of the requirements laid down in Directive 2001/110/EC are implemented by MS for honey originating from third countries.

Therefore COM decided to launch a questionnaire to MS on 14.04.2014 asking them if and how BIPs check the requirements laid down in the above mentioned Directive. COM (F5) thanked 22 MS for their replies and encouraged the remainders to provide their replies also.

The overview presented from the outcome of the questionnaire showed that the four main importing MS had limited or no controls in their BIPs regarding Directive 2001/110/EC. Controls in other MS are not implemented or not implemented for all parameters listed in the Annex to that Directive. One MS commented that they do not even know which competent authority in their country is responsible for controls on honey.

COM concluded that controls under Directive 2001/110/EC are not sufficient and reminded MS to encourage their BIPs to cover during import controls not only health issues but also the parameters laid down in Directive 2001/110/EC. The implementation of those controls at BIPs would be a more efficient approach to cover imported consignments, if compared with the controls carried out at destination.

COM (E5) added that they have established a list of national contact points for food fraud and that they are developing co-ordinated control plans for honey. Currently 60 % of honey consumed in the EU is from EU production while 40 % is imported. Fraudulent honey can only be detected with specific test methods and these should be covered in the co-ordinated control plans.

#### 7. PRESENTATION OF DE ON SUPERVISION OF INTERNET SALES

COM explained that in several working groups MS outlined difficulties regarding the official controls to be carried out on products offered for internet sales. DE gave a presentation on the legal framework and the strategies of the German food control authorities on the supervision of internet sales.

The presentation contained some interesting examples demonstrating why official controls on internet sales are important. COM asked MS for volunteers to give an overview on controls on internet sales in their country during the next working group.

#### 8. CHECKS ON NON-HARMONISED ANIMALS

During the last Working Group, it was clarified that if a BIP of the MS of entry carries out veterinary checks on behalf of another MS of destination, the entry BIP needs to ensure that the animal health requirements of the MS of destination are respected (Article 8 (A) (1) of Directive 91/496/EEC). As concerns were raised about the means to be aware of the import conditions of each MS, COM prepared and sent two simple questions to the MS to see how the relevant information is exchanged between the MS of introduction and the MS of destination.

COM presented an overview of the replies received from 24 MS plus NO and CH and stressed the following main issues:

- 4 MS do not apply national import conditions while 15 informed that they have national import conditions.
- Only 6 MS out of the 15 copied their reply to all other MS for their information. COM asked the remaining MS and CH to forward their national import conditions or the link to the relevant information on their website to all participants of the Working Group.
- 7 MS informed that they issue import licenses with their national conditions, which must be presented to the BIP of entry.
- 3 MS, which do not issue import licenses, have sent their import conditions to the MS of entry in advance.

COM reminded MS that there are no detailed provisions in EU legislation to exchange information of the national conditions to import non-harmonised animals. Without legal basis, COM has difficulties to justify to centralize the information and consequently, it is under the responsibility of each MS to communicate their relevant import conditions.

Several MS raised questions to the procedures for national import conditions and COM clarified that such national conditions should not be an obstacle to international trade. Therefore the procedure laid down in Directive 94/38/EC needs to be respected, Legal Service and DG Environment need to be involved, as the Commission has to defend all Community Rules in relevant international for a (WTO, SPS), even if they are national rules. COM reminded MS that they tried to harmonise import conditions of the most hazardous animal species, however, MS did not agree to common import standards.

COM asked the 4 outstanding MS to provide their replies to receive the full picture for the EU.

#### 9. MISCELLANEOUS

a) Controls on NATO consignments

COM informed that during the summer break discussions with the United States European Command (USEUCOM) continued regarding the traceability of non-conforming consignments of products of animal origin destined to US bases in the EU. The pilot project described in Chapter 8 of the General Guidance for transit and transhipments, which applies to two US bases in Germany, will be enlarged to cover all US bases receiving consignments of products of animal origin in the EU. Therefore Germany, Greece, Italy and Spain have received information that in these MS in TRACES relevant US bases will be introduced, which will function as an exit BIP. COM gave a presentation outlining the enlargement of the pilot project and announced that Chapter 8 of the General Guidance for transit and transhipment will be updated accordingly.

To ensure that the health certificates to the relevant US-base/exit BIP always refer to the same delivery address, the USEUCOM agreed with the TRACES team identification codes and delivery names and addresses for all relevant US bases (distributed in a table). Similarly separate identification numbers for the US bases have been developed to ensure that only US bases receive the relevant notifications in TRACES and not all EU BIPs. This information will also be provided to the competent US authorities issuing export certificates to ensure that all partners involved in the certification and import control process are informed accordingly.

COM will prepare the list with CN codes for consignments to be checked and introduced to the listed destinations, and announced that the new project is ready to start in mid-September 2014. During the upcoming BTSF BIP course in Algerias, there will be also US participants to ensure that relevant US staff is trained accordingly.

## b) Update of BIP list (SANCO/11778/2014)

COM informed that an update to the BIP list has been prepared. The draft Decision has finalised intra-SANCO and interservice consultation and will be presented to the *Standing Committee on Plant, Animals, Food and Feed* on 11<sup>th</sup> September for vote.

For future updates, COM reminded MS to use the attached 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



One MS asked if it would be possible to provide details for BIPs listed with footnote (14) in Decision 2009/821/EC (i.e. A limited number of species are permitted, as defined by the competent national authority.). COM replied that this footnote has been introduced on the request of MS. Currently 10 BIPs in 5 MS (EE, FR, IT, NL, UK) are using that footnote and if importers want to introduce animals through those BIPs, they need to clarify in advance if the relevant species can be checked.

# c) Draft legislation

COM informed that during the next *Standing Committee on Plant, Animals, Food and Feed*, the following document will be presented for vote.

## Melamine from China Draft SANCO/11870/2014

This draft Decision repeals Regulation (EC) No 1135/2009 imposing special import conditions for certain products originating in or consigned from China. On the basis of that Regulation, the import of products containing milk, milk products, soya and soya products intended for the particular nutritional use of infants and young children originating in or consigned from China is prohibited. Furthermore, identity and physical checks, including sampling and analysis to control the presence of melamine, are carried out on approximately 20 % of consignments originating in or consigned from China of ammonium bicarbonate intended for food and feed and of feed and food containing milk, milk products, soya and soya products.

As only one non-compliant sample has been reported by the competent authorities of the Member States since July 2009 and the non-compliant finding in 2011 related a slight exceeding of the maximum level of melamine in ammonium bicarbonate, it is appropriate to repeal the special conditions.

# **EXPO 2015**

COM informed that during the last *Standing Committee on Plant, Animals, Food and Feed* in July, the Italian Delegation made a presentation regarding their planned procedures and conditions for the introduction of food of animal origin destined to Italy to the EXPO 2015. The presentation is available on:

http://ec.europa.eu/food/committees/regulatory/scfcah/animal\_health/presentations\_en.htm#2014070304

The EXPO will take place from 01.05.2015 to 31.10.2015 in Milan and a draft Implementing Decision (SANCO/7083/2014) is under preparation to allow the authorization of food of animal origin not complying with EU import requirements for the use during EXPO 2015. The draft Decision details the type of products for which such derogation can be applied and special conditions for the introduction of these products into the EU. Specific monitoring and channelling procedures under sanitary and customs legislation will be put in place to ensure that the end use of these products will be at EXPO 2015.

The draft is still under discussion with the Italian authorities and can therefore not be presented at this Working Group. However, it is planned to present the text during *Standing Committee on Plant, Animals, Food and Feed* on 19.09.2014. COM asked MS for their preliminary views but there were not any.

## d) Update on Ebola outbreaks in western African countries

COM informed in the *Standing Committee on Plant, Animals, Food and Feed* hold on 21.08.2014 that the ongoing outbreak of Ebola virus disease (EVD) in West Africa since December 2013 has been affecting <u>Guinea, Liberia, Sierra Leone</u> and recently <u>Nigeria</u>. This is the largest ever documented outbreak of EVD, in number of cases and deaths as well as in terms of geographical spread. On 8 August 2014, the outbreak was declared a

public health emergency of international concern (PHEIC) by the World Health Organization.

COM reminded MS of their fax sent by DG SANCO on 15.04.2014 with the request for intensified controls on personal luggage from African countries and protective measures for control staff as outlined in the communication from the European Centre for Diseases Prevention attached to that fax. That information has been processed by DG TAXUD as a Common Risk Criteria message to all customs offices to keep them alerted on the high risk of personal luggage from the African continent.

COM reminded MS that it appears that human infection can also occur by contact with living infected animals (e.g. monkeys, chimpanzees, forest antelopes and bats) or their carcasses or meat. Taking into account this situation, and considering that import into the EU of any fresh meat from the countries in question is not authorised, attention should focus on the illegal introduction of meat in personal luggage of passengers and in particular of "Bush meat". COM therefore asked MS to alert relevant entry points and border inspection posts to intensify the controls on personal luggage of passengers entering the EU as provided for in Article 5 to Regulation (EC) No 206/2009 from the African continent and particularly from Guinea, Liberia, Sierra Leone and Nigeria.

In addition, COM asked MS to **provide all available information** regarding the non authorisation of introduction of fresh meat from third countries into the EU to passengers and travellers, e.g. posters and videos. In relation to the protective measures following controls of personal luggage, control staff should in particular avoid direct contact with meat and use appropriate protective clothing, wash gloves with soap prior to removing them, wash hands thoroughly after removing gloves, and in case of contact with suspected meat, all protective equipment should be disinfected.

# e) Transfer of fishery products in third countries

Transhipment of fishery products in third countries was often discussed during this Working Group and COM informed on the outcome of a meeting with various SANCO units and Spanish representatives in August. During that meeting, specifically the transfer of fishery products caught/frozen/processed by vessels flying a Member State flag (fishery products of EU origin) and unloaded from those vessels in third countries, with or without storage in approved cold stores, and their subsequent transport to MS was addressed. It was concluded that:

- COM will try to establish a new specific certificate for fishery products of EU origin landed in third countries and subsequently transferred to the EU, with or without storage in that third country;
- the certificate will consist of the first part according to the current health certificate for fishery products and the second part certifying the operations carried out in the relevant third country (hygienic unloading, hygienic transfer, storage etc) and will be signed by the competent authorities of the third country;
- the number of the customs document proving EU status of these fishery products (T2M document) needs to be included on that health certificate;

- fishery products of EU origin accompanied by this certificate will enter into the EU through a BIP, where documentary checks need to be carried out, while identity and physical checks may be carried out at destination by the competent authorities;
- close co-ordination between customs and BIP authorities needs to be established to ensure that all such consignments are presented to the BIP;
- these principles are applicable in all case of subsequent transport from the third country to the EU, e.g. with container vessel, with a vessel flying the flag of a Member State or a third country; in case of third country flag, such vessels need to be approved for export into the EU and the relevant third country needs to be listed as well.

COM asked MS for their comments and as none were provided, COM asked to provide comments in writing, if any.

G6 – Import Controls

Encl: Agenda

List of distributed documents

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, R. Tascon, A. Laddomada, K. Van Dyck, E. Strickland, L. Terzi, K. De Smet, P. Caricato, J. Baele, G. Maréchal, N. Guth, A. Dionisi, J. Bloemendal, S. Andre, D. Carton, K. Kroon, P. Bernorio, H. Hansen, H. Klein, A.E. Füssel, B. Logar, M. Klemencic, F. Swartenbroux, S. Curzon, G. Balkamos, L. Battistini, O. Prunaux, K. Bar-Yaacov, I. El Busto Saenz, M. Dodic, M. Cronin, T. Theoharis, J. Maciulyte, G. Wood, V. Enjolras, M. Wils, G. Jennes, Unit G6.

# EXPERT GROUP ON VETERINARY IMPORT CONTROLS LEGISLATION "VETERINARY CHECKS"

# 03 September 2014

#### - AGENDA -

- 1) Review of legislation
- 2) Re-enforced controls
- 3) Information to travellers on imports of pets and personal luggage: follow up to CVOs conclusions on possible improvements
- 4) TAXUD issues
  - a) Update on actions taken by DG TAXUD
  - b) Outcome of questionnaire on enforcement of SPS requirements
  - c) Working document on Art. 15(5) goods for customs
- 5) Draft Guidance Document composite products
- 6) Outcome of honey questionnaire
- 7) Presentation of DE on supervision of internet sales
- 8) Checks on non-harmonised animals
- 9) Miscellaneous
  - a) Controls on NATO consignments
  - b) Update of BIP list
  - c) Upcoming draft Decisions
  - d) Update on Ebola outbreaks in western African countries
  - e) Transfer of fishery products in third countries