

Minutes of the meeting of the expert group held on 18 October 2018 to discuss delegated acts on Parts II and V of the Animal Health Law as they relate to aquatic animals, as well as Category III farms as defined in Council Directive 2006/88/EC

1. Approval of the agenda

A preliminary agenda was circulated and agreed at the beginning of the meeting. The working documents concerning delegated acts under Parts II and V of the Animal Health Law were provided in advance of the meeting.

2. Nature of the meeting

The meeting was non-public. The Member States' and EEA countries' representatives from the competent veterinary authorities participated in the meeting. The Chair noted that the European Parliament and the Council were not represented.

3. Introduction

The Commission gave a brief overview of the documents to be discussed and the order in which the items were to be taken.

Member States did not suggest any points to be taken under the 'Any Other Business' agenda item.

4. Conclusions/recommendations/opinions

The outcome of the discussions which took place is as follows:

4.1. Part V of the Delegated Act under Part V of the Animal Health Law: Animal health requirements for the entry of aquatic animals and their products into the Union

- Comments received after the Expert Group meeting held on September 13th indicated that the scope of the first article in Part V should be broadened from aquaculture animals and products to aquatic animals and products. This was taken into account in the draft which was circulated for discussion at the October 18th meeting. However, Member States now questioned whether this was too broad particularly in terms of aquatic products. The Commission undertook to reflect further to ensure the balance between aquatic animals and products and aquaculture animals and products is correct.
- A Member State requested that the text should be clarified to ensure full understanding of which provisions apply to listed species and which apply to non-listed species. It was also requested that the species which are susceptible to the diseases listed in the Annex to Part V of the delegated act should be referred to in this article.
- A Member State referred to the first article in Part V saying it was not clear that the quarantine facility in a third country should be approved for that purpose. The Commission will re-word to ensure this is clear.

- A Member State asked about definitions of 'Put and Take' fisheries and 'restocking'. The Commission responded that these have been included in Part 1 of the delegated act under Part V of the Animal Health Law. Relevant definitions will be circulated to Member States ahead of the next aquatic Expert Group meeting.
- A question was also posed in relation to provisions for crustaceans which are imported live but which are cooked before they are provided to the end user. The Commission will consider how such imports can be covered by the delegated act.
- The issue of imports of animals for scientific purposes was discussed. It was suggested that whilst animals of listed species could be destined for confined establishments, animals of non-listed species imported for scientific purposes could be imported to a wider range of destinations. The Commission undertook to reflect on this and re-word as necessary.
- A Member State asked how fish such as *Garra ruffa* will be covered by this delegated act. The Commission responded that such animals are covered by Article 205 of the Animal Health Law but that their inclusion in this delegated act will also be considered.

4.2 Delegated act under Part II of the Animal Health Law: eradication programmes

- A Member State questioned the connection between eradication programmes and potential 'co-financing'. The Commission explained that these are two separate matters and re-iterated that the purpose of these articles is not to lay down the scope of paperwork which is to be submitted to the Commission for the approval of an eradication programme. The purpose of these articles is simply to ensure that the scope and content of an eradication programme for a Category B or C eradication programme for aquatic animals is correct.
- A Member State asked the Commission to consider clarifying the disease control measures to be employed in an establishment which keeps both listed and non-listed species. In particular, what measures need to be taken in relation to de-population of the non-listed species so that the entire facility can be cleaned, disinfected and fallowed. The Commission will reflect and edit the text as necessary.
- A Member State pointed out that there is some disagreement between the rules set out in the article which deals with fallowing and references to fallowing in Annex VI. In particular there should be coherence in relation to the words 'shall' and 'may'. The Commission undertook to amend as necessary.

4.3 Delegated act under Part II of the Animal Health Law: Disease freedom zones and compartments

- Disease free countries and zones
 - The Commission explained why *Bonamia exitiosa* does not appear in the list of diseases for which historical disease freedom can be sought. Member States were also asked to consider if infection with white spot syndrome virus might be excluded from this list. Member States undertook to reflect and supply their feedback in writing.
 - A Member State commented on the fact that the title of Section 1 of the chapter on disease free status refers to 'approval of disease free status' and that 'approval'

is also the term used for certain aquaculture establishments which have been recognised by the competent authority under Article 176 of the Animal Health Law. The Commission undertook to reflect on this point but cautioned that this terminology also applies to terrestrial animals and commonality between the two may be required in that context.

- Compartments
 - A Member State asked if sampling establishments in the buffer zone would still necessitate sampling of wild animals. The Commission responded that this would depend on the size of the buffer zone and the number of establishments within it. If there are not enough establishments to provide strong epidemiological data then sampling of wild animals must be also be included.
 - A Member State expressed reservations about compartments which are dependent on the health status of surrounding saying that it must be clear that the establishments in the surrounding waters must be disease free. The Commission will strengthen the wording to take that into account.
 - The issue of compliance with the Water Framework Directive whilst still needing physical barriers to keep wild fish out of aquaculture establishments situated in compartments was discussed. Some Member States felt there should not be an absolute requirement for physical barriers. It was suggested that the completion of a risk assessment of the surrounding waters might be a better approach. The Commission undertook to reflect on this matter.

4.4 "Category III establishments" as defined in Council Directive 2006/88/EC

- The Commission made a presentation outlining:
 - the current requirements in relation to Cat III establishments in Directive 2006/88/EC;
 - 2017 findings from the EURL outlining the number of establishments in Categories I to V in relation to VHS and IHN;
 - a proposal in relation to how these establishments might be dealt with under the Animal Health Law.
- Several Member States stated that they did not wish to dispense with Category III and that they favoured the status quo.
- The Commission asked Member States to reflect further on the proposal which was presented. The Commission will also reflect on possible approaches to allowing establishments to obtain disease freedom whilst still complying with the Water Framework Directive.

4.5 Annex VI to the delegated act on Part II of the Animal Health Law

- A Member State sought clarification in relation to the frequency of animal health visits required under the general risk based surveillance scheme versus the animal health visits required under eradication and maintenance programmes. The Commission drew the Member States attention to the relevant point in Part 1 of Annex VI where the relationship between these different types of farm visits is referred to.

5. Next Steps

The Commission invited experts to provide written comments by 02 November 2018.

6. Next Meeting

The Commission gave details on the organisation of future meetings, pointing out that the next date for aquatic animals is 30 November. This Expert Group meeting will cover ongoing revisions of the delegated acts under Parts II, III and V of the Animal Health Law.

The Commission confirmed that the additional meeting which had been originally scheduled for December 20th has been cancelled. A date in early January is now being sought.