

**Minutes of the meeting of the expert group to discuss the delegated act on surveillance, eradication programmes and disease free status according to the Animal Health Law as it relates to aquatic animals**

**14 September, 2018**

**1. Approval of the agenda**

A preliminary agenda was circulated in advance and agreed at the beginning of the meeting.

DK had submitted some slides to the Commission in June in relation to their successful VHS eradication programme. This presentation was postponed to the expert group meeting on September 14th.

**2. Nature of the meeting**

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

**3. Introduction**

Three presentations were made; one by the Danish expert and two by the Commission.

These were as follows:

- A. Presentation from the Danish expert giving an overview of the eradication of Viral haemorrhagic septicaemia in Denmark with special emphasis on the period for final eradication from 2009 to 2013. The presentation was made by the Danish Expert to determine if the eradication programme envisaged in the current draft Delegated Act, would be appropriate to allow the completion of such a programme.
- B. The Commission gave a presentation on the relationship between Regulation (EU) 2017/625 (Official Controls Regulation) and Regulation (EU) 2016/429 (Animal Health Law) and their tertiary rules relevant for aquaculture. The presentation underlined that current legislation Dir 2006/88/EC includes provisions which are now official controls under Reg 882/2004/EC. In the future, Animal Health Law, (Reg (EU) No 2016/429) and its subsequent delegated acts will solely cover the animal health aspect while the Official Control Regulation gives the general provisions for performing official controls and in addition provisions for specific controls, e.g. for aquaculture, can be laid down under its Article 20(2) and for frequencies under its Article 20(3). As the delegated acts will solely cover the animal health aspect while the Official Control Regulation is cross-sectorial and comprehensive, the Commission emphasised that MS need to become familiar with its provisions. It also states that official controls shall be risk based, hence any future rule on minimum frequencies deviating from this needs to be supported with very good arguments.

The presentation gave an overview of certain provisions of Dir 2006/88/EC and where those now are incorporated in the Official Controls Regulation. It was also outlined that a delegated and implementing act under this regulation may be considered, as necessary, and feedback as regards the needs for specific official controls provisions in relation to aquaculture from Member States is being compiled and is welcome. There is no obligation or legally binding time limit to lay down tertiary rules under Art 20 of the OCR.

- C. Presentation of the amended provisions related to aquatic animals (“EA articles”) of the Delegated Act on surveillance, eradication and disease freedom which had previously been discussed at the June 11 and the July 13 Expert Group meetings and which had been edited subsequently to take account of comments and written feedback from Member States as well as internal deliberations.

Amended Annex VI was also presented emphasizing that it is reduced from 8 parts (as presented in the meeting July 13) to three parts. This is mainly due to the fact that some of the parts in previous draft are covered by provisions in the general articles in the Delegated Act whilst others have been amalgamated. Part I of the annex was presented in detail. Parts II and III were not discussed in detail, and the experts were asked to comment on them, basically only if errors are discovered, given that they are taken from Commission Decision 2005/1554 which is very recent.

The Commission also presented some amendments with significance to aquatic animals in certain general articles in the Delegated Act.

#### **4. Conclusions/recommendations/opinions**

The main outcome of discussions which took place at the Expert Group is as follows:

- 4.1 The presentation given by the Commission (ref. point 3B) regarding the relationship between Regulation (EU) 2017/625 (Official Controls Regulation) and Regulation (EU) 2016/429 (Animal Health Law) elicited some comments from experts, mainly stating that both inspections and animal health visits must be risk based. Therefore it is reasonable that e.g. frequency of inspections and animal health visits must reflect the actual risk at the establishment. One expert added that a good health situation at an establishment should be reflected in a reduced frequency of animal health visits.
- 4.2 The second presentation from the Commission (ref. point 3C) resulted in several comments and inputs.
- A few experts appreciated the change of terms from “targeted animal population” to “listed species”.
  - On the issue of “strong epidemiological link” instead of “direct epidemiological link” in Article EA 2-7, majority of Member States were in favour of “direct epidemiological link”.
  - The discussion regarding Annex VI, part I, revealed conflicting opinions among experts regarding the proposed removal of the category III establishments as it is stated in current legislation (Dir 2008/66/EU). Several arguments for and against retention of this category were presented as also was the case in the meeting of July 13. In that context the lack of legal basis in Animal Health Law for containing Category C disease without opting for an eradication programme

was discussed. Several experts miss an opportunity to implement containment measures on independent basis, without any obligation to link it to an approved eradication programme. The Commission will continue its efforts to develop a solution that can be accepted by all Member States on this issue.

- During the discussion regarding the relevant general articles in the Delegated Act, one expert claimed that the proposed paragraph 2 in article S2-3 can be removed as notification obligation to operators is sufficient. Two other experts opposed to this and the Commission referred to the experiences related to *Crassosoeira gigas* and diseases which have emerged since 2008.
- With regard to Articles on compartments, discussion took place regarding on whether or not Article Comp 1-2 (free status based on the absence of listed species) is necessary. The discussion concluded that this article should be kept, it is in existing legislation, it might be useful for some unpredicted situations and it doesn't harm.
- Regarding the proposed provision in Article Comp 1-8 (special provisions for individual establishments which commence or recommence activities) one expert considered the three weeks period to be too short time after introduction of animals, while another expert argued that exemption should be given to establishments based on recirculation of water. The Commission suggested further scientific advice to be sought by the EURL.
- The Commission proposed new paragraph 2 to Article M1-1 (maintenance of disease free status), which reflects the provision in current legislation (Article 52 of Dir 2008/66/EU). Some delegations had reservations to this new addition, but in the end Commission will keep the provision unchanged since the provision states a possibility for the Member State as it *may* discontinue targeted surveillance.

## **5. Next steps**

The Commission invited experts to provide written comments by 28 September 2018.

## **6. Next Meeting**

The next meeting regarding the Delegated Act on surveillance, eradication programmes and disease free status is scheduled for 24 September 2018 and will include general articles comprising both terrestrial and aquatic animals.