

Minutes of the meeting of the expert group to discuss a draft delegated act on entry into the Union of live animals, germinal products and products of animal origin under Regulation (EU) 2016/429

13 September 2018, Brussels

1. Approval of the agenda

A preliminary agenda was circulated prior to the meeting and approved at the beginning 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 were participating in the meeting. The Chair noted the absence of the European Parliament and the Council.

3. List of points discussed

3.1. Introduction

The Commission noted that the distributed working documents include animal health requirements for the entry into the Union of terrestrial and aquatic animals, germinal products and products of animal origin. Furthermore, the Commission informed Member States that the next meeting will take place in November and that will be the last meeting on this draft. Therefore, Member States were invited to send any strong objections to the draft, as soon as possible.

3.2. Presentation and discussion on the animal health requirements for the entry into the Union of live animals, germinal products and products of animal origin

General rules

The Commission explained that the deadline for the adoption of the delegated act on entry into the Union is April 2019, whereas for the implementing acts on the lists of third countries and on the certificates is April 2021. Therefore, since those implementing acts will be adopted at a later stage, any reference in the working document to those acts will be deleted.

The Commission clarified that no definition for composite products will be included, unless Member States consider it essential.

Animal health requirements for the entry into the Union of terrestrial animals

Member States suggested deleting the derogation on the residency period for the entry into the Union of honeybees and bumblebees. One Member State asked to extend the 24h period for the inspection prior to shipment to the Union for dogs and cats. The Commission will consider these proposals.

The Commission was asked to extend the possibility of the transshipment operations in non-listed third countries in case of an unforeseen incident also for bees. The Commission explained that there is a risk-based reason for that exclusion related to the presence of small hive beetle in many non-listed third countries.

On the same issue, one Member State asked to extend the possibilities to carry out transshipment operations in the case of *Equidae*.

In relation to the requirements for the means of transport, the Commission proposed to align those provisions according to the working document on movements within the Union, which are more prescriptive. Several Member States argued in favour of aligning those requirements.

Animal health requirements for ungulates

The Commission informed that, taking into account the comments submitted by Member States, the number of assembly operations in the third countries for ungulates intended for entry into the Union has been limited to one single operation and the period to arrive to the Union is maintained to 10 days. One Member State suggested to reduce this period to 6 days. The Commission will reflect on this proposal.

The Commission informed that the requirement for marking ungulates intended for slaughter will be deleted, since there is any strong animal health reason to maintain it. Member States did not raise any objection on it.

The Commission noted that requirements for B and C diseases have been aligned with the working document on movements within the Union. However, as that draft is still under discussion, the final discussion on requirements for B and C diseases for the entry into the Union will take place at the last meeting.

In relation to the entry of ungulates into confined establishments, the Commission explained the changes introduced in this Chapter in order to update the requirements to the current situation and to align the approach and the wording to the working document on identification and registration in the Union.

Animal health requirements for poultry and captive birds

Commission informed Member States that requirements to demonstrate freedom of the establishment of origin from low pathogenic influenza will be included in the next version of the document.

In relation to captive birds, the Commission presented the relevant provisions for entry into the Union and noted that those are drafted in accordance with current requirements. However, it will no longer be required that captive birds must be bred in captivity, as this requirement is not related to animal health. The animal health risks posed by those birds are mitigated by their origin from an approved breeding establishment, testing them for poultry diseases and placing them directly after entry into the Union, in an approved quarantine facility.

One Member State asked for the possibility to delegate the controls to be performed by the competent authorities after the entry into the Union of poultry to a third party.

Animal health requirements for germinal products of ungulates and hatching eggs

The Commission informed that certain articles and annexes in Part III of the draft delegated act have been updated in order to align them with the animal health requirements for movement of those germinal products within the Union.

It was also noted that animal health requirements for entry into the Union of hatching eggs and germinal products of captive birds, as well as animal health requirements for entry into the Union of germinal products of animals from confined establishments, have been inserted.

One Member State requested for clarification as regards tests to be carried out for infection with porcine reproductive and respiratory syndrome virus.

Animal health requirements for products of animal origin

The Commission announced that no requirements for category C diseases will be laid down for products of animal origin.

One Member State asked to revise the requirement regarding the separation since birth of kept ungulates from which fresh meat originate from wild ungulates, as such requirement could block exports of fresh meat from ungulates kept outside. The Commission will redraft the article to reflect the differences between species.

As regards the requirements for composite products, one Member state pointed that third countries may have difficulties to certify the requirements for composite products containing meat products, due to the lack of complete traceability.

Transit and re-entry

The Commission reminded that procedures for re-entry into the Union of consignments originating in the Union and rejected by third countries, are also being discussed in expert groups under the Official Controls Regulation. However, specific requirements need also to be set under the AHL. Several Member States mentioned that very frequently consignments are rejected in third countries non-listed for the entry of live animals and in many cases it's due to animal health reasons, but not necessarily linked to listed diseases, and asked to review the requirements to address these issues.

Animal health requirements for aquatic animals

Two presentations were made as follows:

1. A general presentation with an overview of the structure of Animal Health Law (AHL) presenting the legal framework with different Delegated Acts and Implementing Acts. This also introduced the structure of the Delegated Act on entry into the Union and the explanation which parts are relevant for aquatic animals.
2. A presentation giving an introduction to the relevant provisions in the different parts of the Delegated Act, both Part I (general rules), Part V (Animal health requirements for the entry in to the Union of aquatic animals and their products) and Part VI (transit). The presentation also gave

an overview over three planned annexes to the Delegated Act; one on different labelling requirements and a list of susceptible species for which the Member States have national measures.

The main points discussed were as follows:

1. In the case of general requirements for aquatic animals and products thereof some Member States were concerned about the term “aquaculture animals” instead of “aquatic animals”. In that regard one expert suggested that entries of aquatic animals for release in the wild and also for scientific purposes should be covered by this article.

Referring to article 193 in AHL, one expert underlined that changes of intended use should not be allowed.

One expert proposed rewording with respect to the provision regarding official inspection in the third country before dispatch to the Union.

2. There was some discussion connected to the exemption from the general requirements. One Member State expert raised issue of a possible entry of slaughtered and eviscerated fish even from an “outbreak area”. Another expert reminded that according to the OIE, eviscerated fish not necessarily is defined as safe commodity, and that entry of those products should be based on risk assessment.
3. One expert underlined that change of water under transportation from place of origin to the place of destination should not be allowed unless at water change points which will not change the health status of the consignment. There was also a question raised related to responsibilities for the obligations connected to the entry into the Union. In that respect the Commission clarified and referred to Part I, title 2, art 3 (obligations of Union border control posts) and art. 4 (obligations of operators)
4. Labelling requirements are placed in annex 1 and 2. One expert claimed that the information is too extensive and that simplification must be possible through cross references to the health certificate.
5. One expert proposed general rules for releasing aquatic animals in to the wild instead of authorisation from “case to case”. Another Member State underlined that the importance of aquatic animals released in to the wild must have “farm standard” as regards to health status.
6. As regards transit provisions for a few experts emphasised the need for certain biosecurity provisions to be respected, in particular related to water exchanges. The Commission replied that it will look into that.

4. Conclusions/recommendations/opinions

The Commission thanked Member States for their input and comments during the meeting and encouraged them to reflect on the issues discussed and provide written feedback not later than 28 September 2018.

5. Next steps

The outcome of the discussions and opinions provided by participants during this expert group meeting will be used by the Commission during future work towards the preparation of possible future delegated acts under the Animal Health Law.

6. Next meeting

The next meeting has been scheduled for 6 December 2018.