

Minutes of the meeting of the expert group held on 6 June 2019 to discuss draft delegated acts as they apply to aquatic animals

1. APPROVAL OF THE AGENDA

A preliminary agenda was circulated in advance and agreed at the beginning of the meeting. Two draft working documents regarding delegated acts under Part IV of the Animal Health Law (concerning aquaculture establishments and movements of aquatic animals in the Union) were circulated to Member States ahead of the meeting.

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 neither the European Parliament nor the Council were represented in the meeting.

3. INTRODUCTION

Two presentations were made by the Commission. Those were as follows:

- a. Presentation of a draft delegated act concerning approval and registration of aquaculture establishments under Part IV, Title II, Chapter 1 of the Animal Health Law. This working document covers registration/approval of aquaculture establishments, establishments' registers and record keeping obligations by the operators.
- b. Presentation of a draft delegated act under Part IV, Title II, Chapter 2 of the Animal Health Law concerning intra Union movements. This draft delegated act covers requirements for movements of aquatic animals, animal health certificates, self-declaration documents, movement notification and requirements for movements of products of animal origin from aquatic animals, other than live aquatic animals.

4. CONCLUSIONS/RECOMMENDATIONS/OPINIONS

The main outcome of discussions is as follows:

4.1 The first presentation from the Commission regarding the draft delegated act concerning approval and registration resulted in some comments and requests for clarification:

- a. There was discussion in relation to the differences between registered and approved establishments and the Commission emphasised that derogations from the requirement for approval in principle must be based on risk assessment carried out by the competent authority. This assessment shall at least take into account major risk factors such as the possibility of the direct spread of pathogens through water and the movement patterns of aquaculture animals to and from the establishment. The relevant risk factors are described in Chapter II of Part I in Annex VI of the DA under Part II of Regulation (EU) 2016/429.
- b. There were several comments from Member States regarding the obligation of operators of approved establishments to comply with the risk based surveillance scheme (RBS) conducted by the competent authority. The Commission pointed out that this RBS is based on the provisions of Article 26 of Regulation (EU) 2016/429 and added that the competent authority should develop the practical implementation of

the RBS in collaboration with operators with the possibility of including the surveillance they must carry out under Articles 24 and 25 of the Regulation.

- c. One Member State asked whether dealers without premises could be approved under the delegated act. The Commission replied that they are not covered by the requirement for approval, however Member States can decide to include them by means of national measures. The Commission undertook to also explore other possibilities in relation to the traceability of animals handled by such dealers.
- d. Some Member States had comments regarding detailed requirements for approval of some establishments as described in Annex I. Those expressing concerns thought that the requirements are in some cases too prescriptive, e.g. in case of biosecurity plans. The Commission explained that the biosecurity plan is prescribed in a flexible manner, giving a margin of manoeuvre by providing for the factors to take into account when developing such plan as well as giving the possibility to cover other factors than those listed.

4.2 The second power point presentation from the Commission comprised a draft delegated act on Part IV, Title II, Chapter 2 of the Animal Health Law as regards intra Union movements of aquatic animals and products of animal origin thereof. The presentation resulted in some comments and inputs.

- a. One Member State suggested “bag” to be added in the definition of “container”. Another Member State suggested to add “areas undergoing specific disease control measures” to the provision in Article 4(a). The Commission agreed to amend the draft in accordance with those suggestions.
- b. Some Member States were concerned about the provisions concerning labelling requirements claiming that those are too detailed and burdensome for the transport operators as the relevant information is provided in documents, which are transported with consignments.
- c. There was some discussion in relation to Article 199 of Regulation (EU) 2016/429 and how the relevant article in the delegated act can be worded to ensure that Member States which decide to use this provision can be sure they will receive only disease-free aquatic animals. The Commission agreed to reflect further to determine how this can be achieved.
- d. Several Member States had comments and inputs as regards the animal health requirements for movements of aquatic animals as live fishing baits. One Member State claimed that the provision should be extended to cover also live fish of non-listed species. The Commission agreed to reflect further on the wording that is currently suggested and to consider the practicalities of controlling such trade.

5. NEXT STEPS

The Commission invited experts to provide written comments by 21 June, 2019. Presentations given in the meeting have been circulated.

6. NEXT MEETING

The next, and the last, meeting of aquatic experts is scheduled for 12 July 2019.