



**EUROPEAN COMMISSION**  
DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY

Food chain: stakeholder and international relations  
**Multilateral international relations**

Brussels,  
SANTE D2/BS/JM/mg 2822519

## **NOTE FOR THE FILE**

**Subject:** Summary Report of the Expert Group meeting on veterinary import controls 9 April 2018

### **Participants:**

- Representatives from all Member States except Bulgaria, Cyprus, France and Romania.
- Representatives from Norway and Switzerland,
- European Commission (DG SANTE): B. Saimour (D2, chairman), J. Maciulyte (D2), A. Horvath (D2), D. Lacinski (D2), M. Klemencic (G2), S. Perucho-Martinez (G4), K. De Smet (G4), C. Juliusson (G3), D. Howe (G3), L. Rantamaki (F4).

### **Introduction**

COM welcomed MS to the meeting and presented Agnes Horvath, a newcomer in the import sector of D2.

COM presented the agenda, as enclosed, and added some other points raised by MS for discussion in the relevant chapters.

### **1. OFFICIAL CONTROLS REGULATION (OCR)**

COM explained that documents which were provided for this expert working group on veterinary import controls were already discussed in the expert group on OCR which took place in Brussels on 27 February 2018. Despite discussions on OCR related issues through the expert group on OCR on 27 April 2018, COM decided to provide some information in this group.

#### **a) Manifest and pre-notification (Art. 15(4) and 58(b))**

COM informed that it is not planned to use the empowerment on information exchange (including manifests) between operators and competent authorities. For the time being, COM cannot identify the specific requirements which would give an added value to the provisions already laid down in Art. 15 OCR. Two MS expressed their disagreement in this respect.

Concerning the minimum time for prior notification, COM explained that the opinions expressed by the MS were controversial, requesting flexibility to reduce and/or to extend the minimum time. Therefore, COM suggested not harmonising the minimum time for prior notification at EU level, leaving this responsibility to the MS, which were invited to express their opinion during next OCR meeting on 27 April 2018.

**b) Border control posts (BCPs) facilities (Art. 64.4)**

COM outlined the main changes in the draft document on detailed rules on BCP facilities minimum requirements which have been taken into consideration after receiving the last comments of MS. The new draft document is under preparation and it will be presented again to the next OCR group meeting on 27 April.

**c) Model certificates for food for the entry into the Union (Art. 90)**

COM clarified where a replacement certificate might be issued, in case of "administrative errors" or where the initial certificate has been damaged or lost.

COM reminded that three drafts were presented to MS for the discussions during working group meetings on official controls of food of animal origin. In relation to import checks at BCPs, a delegated act under Article 126(1) will lay down import conditions for composite products, reptile meat and insects, and it will establish conditions for listing and delisting of establishments in third countries.

**d) Composite products**

COM updated briefly that internal discussions were ongoing concerning import conditions and import controls of composite products. The new proposal of COM will be presented to MS during the next OCR meeting.

**2. SITUATION IN BRAZIL**

COM reminded the difficult situation in Brazil as a consequence of the meat fraud scandal, which came to light in March 2017, and of the unfavourable outcomes of the COM's inspections conducted in the meat sector and the fishery sector. Due to a high number of Salmonella detections, several establishments of poultry meat have been placed under imposing checks for a long time. In addition, the Brazilian authorities have suspended the export certification of many establishments, but without requesting their delisting. After internal discussions, COM proposed a draft regulation to delist the non-compliant Brazilian establishments<sup>1</sup>.

MS commented that suspension of certification is very confusing and not legally binding, especially that they are not notified in case of resuming of export. They welcomed the COM's initiative of delisting in order to clarify the situation.

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<sup>1</sup> Comment: The draft Regulation was voted unanimously at the Committee of 19 April 2018. The establishments listed in its annex will be delisted as soon as the text is published.

### **3. RE-ENFORCED CHECKS AND CRITERIA FOR THE DELISTING OF THIRD COUNTRIES ESTABLISHMENTS**

COM presented the updated statistical data demonstrating triggering of the re-enforced checks by MS and by COM. COM stressed the importance to keep the current trend where the majority of re-enforced checks are started at the request of MS. In addition, COM additionally reminded that when issuing a RASFF market notification, MS could indicate in the notification the need of triggering a REC for a non-EU operator which produce food products non conform with the EU legislation.

COM introduced a proposal of criteria to justify the delisting of third countries establishments. The legal base is Article 12(4)(c) of Regulation (EC) No 854/2004.

The criteria that, separately or concurrently, might lead DG SANTE to propose the delisting of third country establishments would be based on:

- the duration of the imposing check measures,
- the frequency of non-compliances,
- the absence/deficiency of action plans provided by the third country authorities,
- the suspension of export activities,
- the cases of fraud,
- the outcomes of SANTE F inspections.

MS acknowledged and approved the proposal.

### **4. AOB**

#### **a) Import conditions of certain animal by-products:**

##### **i) Import of fish oil for non-human consumption from China:**

On request of BE, COM clarified that fish oil for non-human consumption cannot be imported from China since fishery products listed in the Annex to Commission Decision 2002/994/EC do not fall under the scope of Regulation (EC) No 1069/2009 and (EC) No 142/2011. MS were requested to check that such imports are not allowed in their BIPs.

##### **ii) Import of glycerine for biogas use:**

COM explained that glycerine for biogas use should be controlled in accordance with the requirements of Regulation (EC) No 142/2011. It is necessary to ensure that the mentioned product is not used in feed for farmed animals and that it is channelled to the place of destination – a biogas plant. Currently glycerine for biogas use is declared to Customs using CN code 1520 which is not included in the positive list of products subjected to BIP controls, laid down in the Annex I to Commission Decision 2007/275/EC. COM informed that the CN code will be included in the implementing act prepared under Article 47(2)(a) of OCR.

##### **iii) Import of insects for production of processed animal proteins:**

COM explained that import of insects for processed animal protein products should be controlled in accordance with the requirements of section 2 of Annex XIV to Regulation (EC) No 142/2011. Therefore, MS may authorise the import only for petfood destined to certain fish or reptiles. In

accordance with point b(v) of Chapter II of Annex XIII the competent authority may authorise the treatment for the import on the national market. However, it is not allowed to import insects for production of processed animal protein for the feeding of farmed animals.

iv) TSE attestation in the health certificates for animal by-products:

COM informed that TSE attestations in the model certificates for imports of and transits through the Union of certain animal by-products set out in Chapters 1, 1a, 2(A), 2(B), 3(A), 3(B), 3(C), 3(D), 3(E), 3(F), 4(B), 4(C), 4(D), 6(B), 8, 10(A), 10(B), 11, 12 and 18 of Annex XV to Regulation (EU) No 142/2011 will be amended taking into account requirements of Chapter D of Annex IX to Regulation (EC) No 999/2001.

**b) Update of the list of border inspection posts (BIPs)**

COM informed that the last update to the BIP list has been sent to MS for their comments. The document will be presented to the Standing Committee on Plants, Animals, Food and Feed on 18-19 April 2018.

**c) Import of dried bladders from China**

COM informed that, while Hygiene package legislation does not provide for the definition of casings, the definitions established by other internationally agreed documents must be considered. In accordance with OIE standards (Glossary of Terrestrial Code) and with the "Guide to good hygiene practice for hygiene and the application of the HACCP principles in the production of natural sausage casings", bladders and intestines are considered being casings. Since casings are listed in the Annex to Commission Decision 2002/994/EC, therefore dried bladders from China may be imported if they comply with the requirements of EU legislation. Consignments of dried bladders shall be accompanied with a health certificate as laid down in Annex I of Commission Decision 2003/779/EC.

**d) BSE attestation in accordance with the requirements of Regulation (EU) No 2017/731/EC**

COM clarified that several model certificates were amended due to complex changes as regards TSE attestations referred to in Regulation (EU) No 2016/1396. There were several misunderstandings which led to mistakes in certificates issued by third countries and, as consequence, to detention of consignments at the BIPs.

COM explained that an intrusive intracranial method for stunning is risky from the BSE transmission point of view. Thus, if this intracranial method is to be used, then the third country must certify that the animals were born, reared and slaughtered in a negligible BSE risk country or region. On the contrary, in case this intracranial method is not used, then it is not relevant to indicate the status of the country of origin of the animals. The misunderstanding aroused when several third countries considered that they also need to certify the status of the country of origin of the animals when an intrusive intracranial method for stunning has not been used.

Example: Correct filling in of the section II.1.9 of health certificate BOV from the third country with the negligible BSE risk:

There are two options,

- either the intracranial method has been used AND in this case it is mandatory that the country where the animals were born, raised and slaughter has negligible BSE risk (points (i) and (ii) have to be kept together);
- or the intracranial method has NOT been used and then there is no need to indicate the status of the country of origin of the animals.

(1) either (b) the animals, from which the meat or minced meat was derived:

- (i) were born, continuously reared and slaughtered in a country or region classified in accordance with Decision 2007/453/EC as a country or region posing a negligible BSE risk;
- (ii) were slaughtered after stunning by means of gas injected into the cranial cavity or killed by the same method or slaughtered by laceration after stunning of central nervous tissue by means of an elongated rod-shaped instrument introduced into the cranial cavity.]

Or

(1) or (b) [the animals, from which the meat or minced meat was derived, were not slaughtered after stunning by means of gas injected into the cranial cavity or killed by the same method or slaughtered by laceration after stunning of central nervous tissue by means of an elongated rod-shaped instrument introduced into the cranial cavity;]

#### **e) Certification of EU fishery products transferred in third countries**

ES raised several issues concerning the future application of Regulation (EU) 2017/1973 as from 1 July 2018. On the one hand, some problems might happen with the consignment registration in Traces, considering the system is not adapted to the specific type data related to products of EU origin (MS as country of origin, list of MS freezer/factory/reefer vessels, registered fishing vessels). On the other hand, clarifications are necessary on the way to apply standard rules of import checks at BIPs for such consignments of EU origin.

Concerning Traces, COM answered that adjustments will be implemented in the next version of Traces<sup>2</sup>. Concerning the border checks in BIPs, COM reminded the MS that they intend to propose simplified controls through the empowerment of Art. 48 OCR on categories of products posing a low risk.

#### **f) Additional documents to certificates for imported horses**

At the request of BE, COM clarified in which cases the additional documents to horse certificates are necessary:

- In case of information related to a permanent status, as vaccination, the presentation of additional documents is mandatory (vaccination attestation, passport).
- In case of information related to occasional events reported in the certificate, as blood testing, the presentation of certificate should be sufficient.

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<sup>2</sup> Comment: Meanwhile, version 6.40 of Traces has been implemented since 23 April 2018.

(signed)  
D2 – Import Sector

Encl.: Agenda

Cc: Experts in 28 MS, Norway, Iceland, Switzerland, Faroe Islands + ESA  
M. Scannell, S. Juelicher, B. Van Goethem, P. Colombo, B. Gautrais, A. Gavinelli, K. Van Dyck,  
E. Zamorra Escribano, E. Thevenard, P. Loopuyt, D. Lange, S. Goux, J. McEvoy, G. Gallhoff, K.  
De Smet, P. Caricato, C. Laso Sanz, P. Bernorio, A.-E. Fuessel, M. Klemencic, L. Rantamaki

**EXPERT GROUP ON VETERINARY IMPORT CONTROLS LEGISLATION  
“VETERINARY CHECKS”**

**9 April 2018**

**– AGENDA –**

- 1) Official Controls Regulation (EU) No 2017/625:
  - a. Manifest and pre-notification (Art. 15(4) and 58(b));
  - b. Border control posts (BCPs) facilities (Art 64.4);
  - c. Model certificates for food for the entry into the Union (Art 90);
  - d. Composite products (Art 47.3).
- 2) Update on situation in Brazil.
- 3) Re-enforced checks and criteria for the delisting of third countries establishments.
- 4) AOB:
  - a. Import conditions of certain animal by-products;
  - b. Update of the list of BIPs;
  - c. Import of bladders from China;
  - d. BSE attestation in accordance with the requirements of Regulation (EU) No 2017/731;
  - e. Certification of fishery products transferred in third countries.