EUROPEAN COMMISSION

HEALTH & CONSUMERS DIRECTORATE-GENERAL

Brussels,
SANCO G **(2013)90880**

SUMMARY REPORT OF THE STANDING COMMITTEE ON THE FOOD CHAIN AND ANIMAL HEALTH HELD IN BRUSSELS ON 15 JANUARY 2013 (Section Controls and import conditions)

Chair: A. Laddomada.

All Member States were present.

Croatia attended the meeting as an observer.

A.1 Information on the Newcastle disease situation in Israel.

The Commission informed that Israel is now applying a "modified stamping out" policy in case of outbreak of Newcastle disease that continue to be regularly reported in the country. This is cause for concern, as Israel enjoys special import conditions for poultry and poultry products, including the recognition from the EU side of "self regionalization". However, the Commission is now reviewing the new measures applied by Israel and will keep Member States informed on this issue.

A.2 State of play of the discussion with Russia on certifications for export.

The Commission:
a) informed of the discussions on sanitary and phytosanitary during and in the margins of the EU-Russia Summit of December 2012, and presented the programme of meetings with Russian veterinary and phytosanitary authorities to be held in Berlin on 16 and 17 January 2013.
b) asked if certain Member States had been informed of possible audits in their countries, which the Russian authorities announced as a preliminary step before lifting the ban on live animals.
c) urged Member States to carry out a proper follow-up of notifications of non-conformities submitted by Russia, and to adapt their recommendations to certifying officers as a result of these notifications.

B.1 Exchange of views and possible opinion of the Committee on a draft Commission Implementing Decision amending Commission Decision 2007/777/EC of 29 November 2007 laying down the animal and public health conditions and model certificates for import of certain meat products and treated stomachs, bladders and intestines for human consumption from third countries and repealing Decision 2005/432/EC as regards Brazil.

A previous version of this draft Implementing Decision amending Decision 2007/777/EC as regards the entry for Brazil in the list of third countries and parts thereof from where imports into the Union of biltong/jerky and pasteurised meat products are authorised had been introduced and discussed during the meeting of this Committee on 4 December (see item C.2 of the agenda of that meeting). Brazil requested the Commission to authorise imports from regions that may export fresh meat into the Union of biltong/jerky obtained from meat of domestic bovine animals that has undergone the appropriate specific treatment. Taking into account the animal health situation demonstrated to the Commission in those regions of Brazil, it was considered appropriate to also authorise such imports.

Vote taken: qualified majority by 318 votes in favour, 27 votes abstained.

B.2 Exchange of views and possible opinion of the Committee on a draft Commission Implementing Regulation laying down specific conditions applicable to the import of groundnuts from Ghana and India, okra and curry leaves form India and watermelon seeds from Nigeria and amending Commission Regulations (EC) No 669/2009 (EC) No 1152/2009.

An increased frequency of official controls on import has been established for nearly two years and more on, amongst others, groundnuts from India as regards aflatoxins, curry leaves and okras from India as regards pesticide residues, groundnuts from Ghana as regards aflatoxins and melon seeds from Nigeria as regards aflatoxins.

The results from this increased frequency of controls show a continuous high frequency of non-compliance with maximum levels of aflatoxins and pesticide residues established in EU legislation and several times very high levels were observed.
These results provide evidence that the import of these foods and feeds constitute a risk for animal and human health. No improvement of the situation could be observed during this period of increased frequency of controls at EU borders. Furthermore, no concrete and satisfactory action plan to remediate the shortcomings and deficiencies in the production and control systems was received from the Indian, Nigerian and Ghanaian authorities, despite the explicit request from the European Commission.

To protect human and animal health in the EU, it is necessary that the authorities of India, Ghana and Nigeria set up an effective control system combined with a 100 % pre-export testing. All consignments of groundnuts from India and Ghana, melon seeds from Nigeria and curry leaves and okras from India should therefore be accompanied by a certificate stating that the products have been sampled and analysed for the presence of, according to the case, aflatoxins or pesticide residues and have been found compliant with EU legislation.

Comments were made by several delegations on certain aspects of the draft Regulation:
- comments on the replacement of the "First point of Introduction" as established by Regulation (EC) 1152/2009 by the "Designated Points of Entry" as established by Regulation (EC) 669/2009.

- the reasons for a different control system for pesticide residues and aflatoxins.
- the measures should not only apply to fresh curry leaves but also to dried curry leaves.
- the risks for public health of exceedance of the EU Maximum Residue Levels (EU MRLs) for pesticides in okra and curry leaves.

The Commission's representative provided a justification for the proposed measures, accepted certain changes to the text and stressed that with this draft Regulation and the foreseen changes to Regulation (EC) No 1152/2009 and other safeguard measures, an important step is set towards a harmonisation and simplification of the controls at import of feed and food of non-animal origin.

A particular point of discussion was the provision that in case the custom declaration is made by means of a data processing technique and the completed Common Entry Document (CED) is not lodged with the customs declaration (this possibility is foreseen in Article 77(2) of Council Regulation No 2913/92 of 12 October 1992 establishing the Community Customs Code), the custom authorities have to control à posteriori at least 5 % of the completed CED. Some delegations could not agree on this provision as it was considered to be in contradiction with the requirement that a consignment can only be offered for free circulation with a CED duly completed by the competent authority once all controls have been carried out and favourable results from physical checks, where such checks are required, are known.

Other delegations stressed the importance of this provision as experience in certain countries, confirmed by findings by The Food and Veterinary Office of the Commission's Health and Consumers Directorate General (FVO), has learned that several consignments are released for free circulation without having the CED duly completed. With the foreseen à posteriori control, it is considered that this would re-enforce the controls on this aspect and would make the control system more effective.

Given this divergence of views, the Commission's representative, while indicating to be in favour of keeping the provision, proposed to delete the provision for the time being awaiting a more in-depth discussion in the coming weeks on this issue with all parties concerned (sanitary control authorities, custom authorities).

Vote taken: unanimous in favour.

C.1 Exchange of views of the Committee on a draft Commission Implementing Regulation amending Regulation (EU) No 206/2010, Regulation (EU) No 119/2009 and Regulation (EU) No 798/2008, as regards the entries for animal welfare in the health certificate models.

The Commission’s representative presented the draft Implementing Regulation. The purpose of the draft is to amend Regulations (EU) No 206/2010, (EC) No 119/2009, (EC) No 798/2008 and Commission Decision 2000/572/EC, as regards the entries for animal welfare in the health certificate models to mention, for the reason of clarity, Council Regulation (EC) No 1099/2009, laying down rules for the protection of animals at the time of killing. That Regulation applies from 1

January 2013.

C.2 Exchange of views of the Committee on a draft Commission Implementing Regulation amending Regulation (EU) No 605/2010 laying down animal and public health and veterinary certification conditions for the introduction into the European Union of raw milk and dairy products intended for human consumption.

The purpose of this draft Implementing Regulation is to authorise imports of milk products of dromedary camels from Dubai into the European Union after heat treatment. The text was presented by the Commission's representative and was briefly discussed. Member States were invited to send any comments to the Commission. The text will be presented for an opinion at the next meeting of this Committee in February.

C.3 Exchange of views of the Committee on a draft Commission Regulation amending Commission Regulation (EU) No 206/2010 as regards the requirements for the introduction into the European Union of certain ungulates intended for approved bodies, institutes or centres

This draft Regulation had been introduced before (after several meetings of a working group on the issue) and was presented again with the comments and suggestions of all Member States included. By way of derogation it should be allowed to import certain ungulates from third countries other than those listed in Regulation (EU) No 206/2010, provided the countries of origin comply with the general requirements for third countries exporting live animals to the Union, fulfil further specific requirements and provide respective guarantees ensuring that the animals imported do not endanger the animal health status of the Union. Furthermore, a new paragraph on the handling of an animal import that is urgent has been added. Generally, the draft was received well, but there are issues that remain to be worked out further.

The Commission's intention is to present this draft for an opinion during the meeting of this Committee in March.

C.4 Exchange of views of the Committee on a draft Commission Implementing Regulation amending Annex II to Commission Regulation (EU) No 206/2010 as regards the new entry for Japan in the list of third countries or parts thereof from which imports into the European Union of certain fresh meat are authorised.

Japan requested to be listed for the import of fresh bovine meat into the Union. An FVO audit on bovine meat in Japan in 2008 confirmed that the requirements were met. The listing was, however, postponed when foot-and-mouth disease occurred in Japan in 2010. Since then, Japan eradicated the foot-and-mouth disease on its territory and was recognised as "free without vaccination" for this disease by the World Organisation for Animal Health (OIE). Japan thus provides sufficient animal health guarantees and should therefore be included in the list of third countries authorised for the import of fresh bovine meat into the Union.

M.1 Pomacea (apple snails)

This issue was raised by Austria. The Commission's representative explained that, Council Directive 91/496/EEC obliges all consignments of live animals introduced into the Union to undergo veterinary controls in approved border inspection posts. For snails of the genus Pomacea destined for ornamental use, the animal health import conditions laid down in Regulation (EC) No 1251/2008 are applicable. However, snails of the genus Pomacea have been identified as harmful organisms for plants under the plant health legislation, notably Directive 2000/29/EC. Therefore they are banned from introduction into the Union in accordance with Article 1 of Decision 2012/697/EU. Thus, these snails have to be rejected based on Decision 2012/697/EU. It is up to the Member States to decide which competent authority will be responsible for the implementation in different cases of introduction of snails of the genus Pomacea (e.g. infested consignments of plants).

M.2 Discussion concerning intra-Union trade in in vivo derived bovine embryos imported from third countries and produced with non IBR free semen.

The Commission's representative referred to a question recently raised by the UK concerning trade in *in vivo* derived bovine embryos imported from third countries in accordance with the requirements of Annex II of Commission Decision 2006/168/EC. The current wording of the animal health certificate for trade in Annex C to Directive 89/556/EEC doesn't allow the trade in *in vivo* derived embryos if they are not produced with semen compliant with Directive 88/407/EEC (i.e collected from IBR free bulls). Member States are invited to inform the Commission about any trade problems encountered due to the situation described above.