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DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY

Directorate G – Crisis preparedness in food, animals and plants
The Director

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INFO-NOTE

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Subject: **Composite products – animal health requirements for entry into the Union - practical difficulties and transitional solution - 16/04/21**

Message:

The document *'Draft Statement by the Commission and Member States in the framework of the PAFF Committee for the application of animal health requirements for the entry into the Union of composite products from 21 April'* was circulated via email for the opinion of Member States on 9 April 2021. The content of the document received general support from Member States by 12 April at 18:00.

This statement provides for a transitional solution to the unnecessary potential trade disruptions that provisions laid down in Article 163 of Delegated Regulation (EU) 2020/692¹ as regards risk-mitigating treatments for dairy products contained in shelf-stable composite products could cause from 21 April 21.

Those provisions are to be amended without delay to take account of the sanitary status of the country of origin of the dairy products that are contained in shelf-stable composite products. Therefore, for those third countries that are authorised for the entry into the Union of raw milk or dairy products, the treatment requirements will be reconsidered, being proportionate to the risk posed by those countries. This approach will be reflected in the model of private attestation accompanying the entry into the Union of those products once Article 163 of Regulation (EU) 2020/692 is amended, but this will take some time and will not be in place by 21 April.

¹ Commission Delegated Regulation (EU) 2020/692 of 30 January 2020 supplementing Regulation (EU) 2016/429 of the European Parliament and of the Council as regards rules for entry into the Union, and the movement and handling after entry of consignments of certain animals, germinal products and products of animal origin (OJ L 174, 3.6.2020, p. 379.)

Please note that after the draft statement was circulated on 9 April, it has been amended (new version attached) considering the comments received from different Member States, including the following:

- The references to *Option 1* and *Option 2* have been deleted and replaced by a clearer description of the purpose of each point. The different options included in the statement are intended for the operator signing the private attestation and therefore both of them should be included therein. In this sense please note that if the statement would only include point 1, the entry into the Union of shelf-stable composite products containing dairy products from countries covered by point 2 would be subject to the treatment requirements provided for currently in Article 163 of Delegated Regulation (EU) 2020/692 (risk-mitigating treatments provided for in column B of Annex XXVII to that Regulation).
- A third point has been added to the statement to clarify that the attestation does not change in case that dairy products contained in shelf-stable composite products are obtained in countries that are not listed for the entry into the Union of milk or dairy products.
- Point 1.b and 2.b have been slightly amended to refer not only to the third country of origin of the composite product but also to '*the approved establishment of origin of the milk or the dairy product indicated in point 5 of the attestation*' since, in fact, the animal health guarantees necessary to support the attestation should also be granted by the country of origin of the milk or the dairy products.
- Point 1 has been amended to cover the situation where the milk or the dairy products are obtained in an approved establishment in the Union.

This statement provides for the transitional instructions to be applied by operators to fulfil the model attestation provided for in Annex V to Implementing Regulation (EU) 2020/2235² accompanying the entry into the Union of shelf-stable composite products not containing meat (except gelatine and collagen) until that model is amended in the Official Journal. Accordingly, the content of this statement should be considered valid by the competent authorities at the BCP controlling the entry into the Union of those composite products.

I kindly ask you to help us informing all the staff of the relevant services and operators about this transitional solution and I invite you, for the initial period, and until the necessary legal amendments are in place, to apply flexibility and risk-based approach when controlling the entry of the consignments of composite products concerned.

² Commission Implementing Regulation (EU) 2020/2235 of 16 December 2020 laying down rules for the application of Regulations (EU) 2016/429 and (EU) 2017/625 of the European Parliament and of the Council as regards model animal health certificates, model official certificates and model animal health/official certificates, for the entry into the Union and movements within the Union of consignments of certain categories of animals and goods, official certification regarding such certificates and repealing Regulation (EC) No 599/2004, Implementing Regulations (EU) No 636/2014 and (EU) 2019/628, Directive 98/68/EC and Decisions 2000/572/EC, 2003/779/EC and 2007/240/EC (OJ L 442, 30.12.2020, p. 1.)

The flexibility recommended could include the possibility to correct or modify, based on information received, the content of the private attestation, limiting the refusal of entry to those cases where the compliance with the EU rules is not assured or the risk for animal health is evident.

I look forward to your co-operation.

Yours sincerely,

[e-signed]
Bernard Van Goethem