FESASS

Preparing the European Animal Health Regulation

Factsheet 2: Imports, animal health and economic guarantees

Brussels, 10 July 2014

The European Union is one of the most important key players in the food trade worldwide. This aspect is crucial in ensuring the security of European citizens' supply and for the Union's economy. But, as was highlighted by the Adelbrecht Process' outcomes: "It is a factor that can lead to the appearance of emerging and re-emerging diseases". This concern is very serious for farmers. The last introductions of vector borne diseases shown that the worst scenario could be possible. FESASS fully agrees with the CVO's workshop conclusions and supports the use of Animal Health Regulation to strengthen the preventive management of imports. The aim is not to be protectionist but to obtain effective animal health and economic guaranties to prevent crises and economical distortions.

The Commission proposal, with 15 articles dedicated to imports, has already taken stock of this issue. There remains, however, significant scope for further improvement as the directive 2004/68 laying down animal health rules for the importation will be repealed.

1. **A clear and acceptable regulatory framework:** with the proposal for a regulation on animal health, the European Union provides itself strong principles and common rules for all animal health policy. In fact this overall framework is also aimed at third countries. It is therefore essential to respect three constraints in the development of this text:
   1.1. Ensure understanding of our regulation: the constraints of good legibility of European law are all the more essential when it comes to enforcing our regulatory requirements at the international level. For the FESASS, it is therefore necessary to conduct a re-reading of the proposed regulation taking into account this objective.

   For example, with the multiplication of derogations for identification and traceability, the text does not sufficiently focus on the major principles and common objectives with regard to animal health. However, they are essential elements for ensuring import compliance with European requirements. Other provisions, meanwhile, are insufficiently detailed. For example, article 231-1.h. indicates that the Commission must take into account the results of the checks carried out in third countries to establish the lists of countries authorised to export to the Union. But the scope of these controls is not specified and the text does not provide implementing measures to this end. Yet, it is necessary to give the legal means to carry out controls in all areas related to this proposed regulation.

   1.2. Ensure the regulation acceptability with regard to the international standards and agreements: as the CVOs Group indicated, "*the overall principle is that scientifically assessed risk is the only criterion that can be used to justify import measures*". A re-reading of the proposal is also needed here. For example in surveillance, the interest in a timely veterinary visit to farms seems scientifically questionable particularly in front of other continuous control systems such as milk tank analyses or the compulsory abortions notification.

1.3. Fight against the introduction of economic distortions: it is vital that the measures imposed upon European farmers also apply to third countries farmers exporting to EU. This is not only to ensure the same level of health status but also to ensure similar production conditions. In this area, the provisions concerning, for example, the fight against antibiotic resistance or the growth activators' ban constitute a significant risk of distortion. Therefore consideration should be given to incorporating only the provisions which will also prevail in third countries and for whom compliance can be checked on the spot.

2. **Principle of balanced equivalence:** the draft regulation does not alter the provisions currently in force and will still allow the recognition of equivalent provisions in third countries. FESASS favours this approach that allows some flexibility at international level whilst promoting good health practices in third countries. However, such an approach is only acceptable if it does not lead to the introduction of economic distortions and if true reciprocity can be achieved. It is therefore necessary to go beyond the requirements of article 236 – 1.a by clarifying the requirement of reciprocity when drafting the delegated acts.

3. **Need for a good and regular risk assessment:** it is vital that import authorisations are based on effective risk assessment. This is the provisions' meaning of the proposed regulation which incorporate the rules of the directive 2004/68. These authorisations may also be suspended or withdrawn in the event of crises or an unsatisfactory inspection result. The Commission should, however, have an additional tool for assessing the risk based on regular analysis of the various factors that could lead to an evolution of geographical threats.

4. **Role of the Commission:** the Commission has the power and important means to influence the import policy in the Union. Yet, its role should still be strengthened firstly to better target FVO controls in "third countries" and coordinate Members States controls and, thirdly, to develop cooperation with exporting third countries. This is to encourage the improvement of the health guarantees offered for import in the Union as proposed by the CVOs Group (see Adelbrecht process). This aspect is missing in the proposed regulations.

5. **Member States' responsibilities:** The quality of the measures for ensuring biosafety at the Union borders (PIF and points at risk) is essential for the safety of the Single Market. It is the responsibility of the Member States. It is therefore necessary that article 12 (or an article 12bis) makes this very clear. It would be also very important for the regulation to provide the possibility of assistance or financial solidarity to support Member States in ensuring the protection of the entire Union at land borders, ports and airports.

6. **Personal imports:** it is important to strengthen the provisions regulating the possibilities for travellers and tourists to bring in food products. Introduction possibilities should be further reduced. Awareness of passengers coming from third countries and their control are also Member States' competencies. The Union should be inspired here by the practices followed by the United States and the Australia.