

3rd Trade Specialised Committee on SPS under the EU-UK Trade and Cooperation Agreement

11th October 2023

London and Videoconference

9.30 - 16:30 (BST) / 10.30 - 17:30 (CEST)

Minutes

1. Opening Remarks

The UK welcomed the EU delegation to London for the 3rd TCA SPS Committee, and noted the ambitious and wide-ranging agenda, reflecting our mutual interests. The EU thanked the UK for the warm welcome, and noted that the UK is a very important partner as the EU's largest export market for agri-food products. The UK and EU Co-Chairs formally adopted the agenda.

2. Article 77: Transparency and Exchange of Information / Article 80: Notification and Consultation

UK Border Target Operating Model (BTOM) – Updates on BTOM, chilled meats, medical food and feed

The UK provided updates on the BTOM, published on 29th August 2023. The UK noted that model certificates have been published on gov.uk, along with risk categorisations for EU and Rest of World countries. On risk categorisations, the UK updated that there is still work ongoing on dairy and composite products for more granular risk categorisations given the breadth of these commodities. The UK clarified that for any changes in the risk categories for those commodities following the results of the assessment currently ongoing, a 6-month period between their publication and their implementation will be allowed where deemed necessary.

The UK noted EU concerns on updates to certificates during previous engagements, and that these recommendations have been acted upon.

The UK updated that they would not be introducing labelling requirements under the BTOM, but there are additional labelling requirements coming into force from 1st January 2024 relating to Food Business Operator names and addresses. With regard to retained EU legislation, the UK updated that they will continue to bring in legislation to allow changes under the BTOM. This legislation will be published shortly, with the appropriate scrutiny and internal governance processes.

The UK updated that they would continue to allow imports of chilled meat preparations and mechanically separated meat (MSM) from the EU for an interim period, with a final position being published in April 2024. The UK updated on the medical food and feed issue impacting UK and EU passengers with medical conditions, noting it has been raised by UK and EU industry. The UK and EU agreed to organise technical discussions on chilled meat preparations and MSM. The UK and EU also agreed to cover the issue of passengers' medical food and feed within these discussions.

The EU thanked the UK for the engagement on the BTOM. The EU noted their hope that the implementation date of January 2024 was final, given the preparatory work that is needed ahead of time and expressed their concern for the announcement of postponements a few weeks before the previously announced implementation dates. On risk categories, the EU raised a concern that in the BTOM a period of only 3 months is foreseen between the publication and the entry into force of changes of risk categories. The EU pointed out that 3 months would be too short especially where a change in category would result in requiring certification for a commodity previously not subject to such requirement. The EU also noted they would send a list of questions, prepared based on input from Member States on the BTOM, which the UK committed to respond to in writing.

Finally, the UK noted that they remain interested in understanding more about Member States' readiness for the introduction of the BTOM, so they can help target support.

Certification Item: GB Model Certificates: Frequency of modifications, alignment of animal health requirements with WOAHA recommendations, EU single entity

On frequency of modifications, the UK confirmed that they will only be publishing changes to certificates once every three months: end of January, April, July, and October, with each certificate only being changed a maximum of once per year – notwithstanding any emergency measures that may need to be enacted. The EU, in its view, noted that even if the frequency of the UK producing new versions of health certificates or their notes for completion is reduced to once a year, such rate is still too frequent and will create significant difficulties given the preparations competent authorities in exporting countries need to run each time to ensure new versions of certificates can be properly issued. In the EU's opinion, frequent changes to certificates also constitute a major obstacle, particularly as every time new versions will need to be translated into several languages and updated on the EU's TRACES system. The EU noted that the notification of drafts through the WTO SPS notification channels, apart from improving transparency, would also help in reducing the risk of errors in GB certificates.

The EU reiterated its concern regarding requirements for animal diseases which the World Organisation for Animal Health (WOAH) does not anymore consider of significance to international trade and for which it does not recommend import conditions, are still featuring in several GB model export health certificates. Requirements relating to animal diseases that, in line with international recommendations, are no more regulated in the EU significantly complicates the certification of certain animals and animal products for their export to GB.

On WOAHA recommendations, the UK understands that the key barrier to certifying certain goods (ovine and caprine) is the requirement for an official notification system, so they confirmed they will be removing this requirement for ovine and caprine live animals and germinal products. A similar approach will be applied to porcine diseases, for which a Veterinary Opinion is underway. In response, the EU welcomed the news on ovine and caprine diseases, but stressed that the issue with requirements in certificates for porcine meat should soon be addressed in view of the approaching implementation of certification of that commodity from 31 January 2024. The UK agreed to update the EU once the risk assessment for porcine meat was completed, expected by the end of November 2023.

Regarding single entity, the UK updated that this issue has been resolved in new certificates, with "either/or" options being changed to "and/or", allowing goods to come from several Member States. The EU welcomed the change but noted a concern around the requirement to detail in the certificate for every consignment the Member States of origin of the material (e.g. meat) of which a consignment comprises. The EU pointed out, that in their view, this requirement adds significant

burden and costs to certification which is unnecessary given that the EU single entity achieved through harmonisation of SPS measures across the EU can ensure proper traceability and compliance with UK requirements.

The UK noted that the EU is not one epidemiological unit and therefore cannot be listed as one country of origin. The UK will accept goods from more than one Member State to be certified on one health certificate but for traceability assurances, the origin of each must be listed.

Transparency regarding modifications of import conditions and procedures (model certificates, risk categories, certification requirements)

The EU presented the procedures it applies for the exchange of information with trading partners on changes to their measures affecting SPS trade conditions according to obligations under the WTO SPS Agreement, and stressed, in their view, there is need for improvement of the transparency the UK practices regarding the changes to its SPS import conditions and procedures. The EU pointed out that changes to model export health certificates, risk categories and certification requirements have a very significant impact on trade and must be notified according to WTO rules no matter if the UK does not follow legislative procedures internally for introducing such changes. The EU noted that formal WTO consultation on draft UK import conditions and procedures would be beneficial to the UK and the other WTO member countries if comments can be made and responded to.

The EU also stressed the importance for the purposes of transparency that the complete old versions of such documents remain available to trading partners also after the expiry of their validity. The UK noted the EU's view and re-stated their commitment to transparency of their import procedures to enable safe trade, highlighting that as an example of this, change history is maintained on gov.uk for both certificates and risk categorisations.

UK's plans in relation to the retained EU legislation in the SPS area

The UK updated that there are currently no active plans to further review REUL in the SPS area. However, the UK will continue to build on the opportunities to develop bespoke legislation that is tailored to the UK. Any proposals will be supported by further assessment, engagement, consultation, and notification, as required.

Availability of consolidated versions of SPS legislation applicable in the UK

The UK updated that the consolidated version of the Phytosanitary Conditions Regulation, which contains all amendments which have been made up to May 2023, is available online at <https://www.legislation.gov.uk/eur/2019/2072>. The UK will communicate any further changes via the UK's Chief Plant Health Officer. The EU welcomed this update and urged the UK to keep updating consolidated versions in line with upcoming changes to its legislation affecting its SPS import conditions.

Cooperation and information sharing on food safety incidents

The UK presented a proposal for technical discussions to establish clear mechanisms for discussion on multi-country incidents and outbreaks, to enable prompt and direct sharing of relevant crisis co-ordination information. The UK suggested that there is greater opportunity for engagement especially in relation to large food safety events. This has been demonstrated in recent cross-border outbreaks where the UK held early valuable intelligence but did not have access or the means to quickly and effectively engage with EU counterparts to exchange

information. The UK also noted an increase in delayed notifications from some Member States, relating to non-compliant and rejected consignments. The EU emphasised that on this point, this is an administrative issue, which does not equate to a food safety risk.

The EU highlighted that the UK now receives RASFF notifications in real-time as opposed to bulk notifications at the end of the day. The UK welcomed the information shared through RASFF, and the benefit of sharing in real-time. However, the UK noted that in some cases, non-compliances have had food safety elements and IOCs (intensified official controls) have been imposed by the EU, but the UK was not promptly informed. The EU requested further information on the cases that the UK referred to and agreed to further technical discussions under the Trade Specialised Committee on Sanitary and Phytosanitary Measures (TSC-SPS) framework on both the mechanisms for sharing crisis co-ordination information and the timeliness of notifications for rejected consignments.

New Genomic Techniques and Precision Breeding – EU and UK updates on respective policy developments

The UK and EU updated on their respective policy developments in this area and agreed to organise further technical discussions on the issue between policy experts in the framework of the TSC-SPS.

Information on the planned introduction of country-listing requirements for the import of certain animal products into the EU in relation to the use of antimicrobials

The EU updated on the progress of the introduction of their country-listing requirements relating to antimicrobials. They noted that they had not received any comments on their drafts notified for comment through the WTO, including the amended model of certificates (deadline for comments was the end of September 2023). The EU noted that they were looking forward to seeing the UK's written guarantees in relation to the import requirements on the use of antimicrobials. The UK mentioned that they had been in touch with the Commission to clarify some questions regarding the guarantees and thanked the EU for their responses. The UK confirmed they would be sending their guarantee in time for the deadline of 22nd November 2023.

Vaccination against Avian Influenza

The EU gave a presentation on highly pathogenic avian influenza (HPAI) vaccination in the EU, covering the HPAI situation in the EU, EU rules on vaccination, and an overview of vaccination and scientific trials in the EU. The EU noted that in WOAHP all members agree that vaccination is a useful tool, but that there is still reluctance to accept imports where vaccination is being implemented. The UK thanked the EU for their presentation and noted that they are committed to the WOAHP objective, and the principles of vaccination. The UK updated that they have set up a Task Force on HPAI vaccination and are working with industry to explore the issue. The UK noted that industry have questioned whether the EU would accept UK exports if the UK were to vaccinate. The EU proposed a technical discussion on the issue under the framework of the TSC-SPS, which the UK agreed.

3. Article 82: Multilateral International Fora / Article 84: Cooperation on Animal Welfare/Article 85: Cooperation on Antimicrobial Resistance

Cooperation on animal welfare: Exchange of views

The UK and EU updated on relevant legislation and priorities on animal welfare. The UK proposed establishing a mechanism for regular technical discussions on animal welfare under the TCA SPS Committee structures to meet the commitments under Article 84 of the TCA. The EU stated that all relevant information is already publicly available on DG SANTE's website, and that the EU will

continue to share new information on animal welfare, when available, using the existing channels. Where necessary, the EU stands ready for further engagement with the UK on animal welfare, however, EU's view is that such engagement should take place under the framework of the TSC-SPS and not by creating parallel mechanisms. Both Parties agreed to utilise TCA mechanisms for further discussion, if required.

Cooperation in SPS multilateral fora: Stocktaking and future opportunities

The EU and the UK also noted their engagement through Codex and agreed to consider further ways to work together in this forum.

The EU thanked the UK for previous exchanges on the WTO SPS declaration. The UK noted the positive impact the EU's approach to the WTO SPS Committee was having on its dynamic. The UK stated its desire to continue working constructively with the EU on the SPS Committee's report to MC13 and other matters of shared interest.

Technical discussions on antimicrobial resistance (AMR)

The UK proposed the establishment of technical discussions on AMR under the framework of the TCA. The EU noted the importance of continued collaboration through global forums, but expressed their preference that such discussions remain ad hoc and anchored to the TSC-SPS rather than creating additional mechanisms. The UK and EU co-chairs agreed to organise, following the upcoming TATFAR forum, ad-hoc discussions on AMR where necessary, with the first aimed to be held during the first quarter of 2024.

4. Article 74: Official Certification

Highly Pathogenic Avian Influenza: Movement of day-old chicks from HPAI restricted areas

The UK noted that this is an issue impacting EU and UK industry. The UK is the only country to export poultry in this just in time manner, and there is no risk basis for the EU's position, nor is it based on WOH requirements. The EU reiterated their position that the acceptance of this meat would require an amendment to the certificate applicable to all non-EU countries, which they have no plans to do. Both Parties agreed to continued written exchanges on this issue.

Germinal products

The UK presented on the residency issue impacting donor bulls since the introduction of the EU's animal health regulations. The UK noted the impact on EU industry and proposed 3 potential solutions. The EU noted this issue had been raised before, and their position remains that they will not alter their residency period requirements.

Acceptance of e-certificates for imports in the UK (GB)

The EU noted the importance of e-certification and the hard work that been undertaken to ensure all GB model export health certificates for animals and animal products are available in TRACES and kept up to date. While the EU welcomed the solution of acceptance of PDFs as a helpful interim measure, it pointed out that the full implementation of paperless e-certification for EU exports to GB is very important to optimise facilitation to trade through new technologies. The EU requested an update on the expected time the UK would be ready to accept electronic SPS certification for imports from the EU.

The UK updated that they expect e-certs to be implemented for live animals by end of November 2023, with the lessons learned for this to feed into the implementation for products of animal origin (POAO) in the New Year. The objective is for e-certs for imports into GB to be fully running in time for the introduction of the BTOM. The EU requested that the UK publishes a list of countries from which e-signed PDFs would be acceptable, to provide assurance for exporters.

On electronic phytosanitary certificates (ePhyto), the UK updated that EU to GB is now live in the production system, and the aim is to retrieve EU e-Phytos from the IPPC ePhyto Hub in the coming months. The EU asked whether use of TRACES for certification from GB to the EU would be continued for a period of time, which the UK confirmed but noted the overall movement towards the use of e-Phyto rather than direct entry into TRACES NT.

The UK confirmed that, for animal products imported from the EU into GB, e-certification may not be available by 31 January 2024 when consignments of medium-risk POAO and animal by products will be required to be certified according to the UK's final BTOM. However, the UK noted that they will be accepting PDFs as digital certification from 31st January 2024.

5. Article 75: Import Conditions and Procedures/ Article 73: General Principles / Article 78: Adaptation to Regional Conditions

Trade of seed potatoes and undepurated Live Bivalve Molluscs (LBMs) from Class B waters

The UK noted that LBMs and seed potatoes are outstanding issues that have been raised in the previous Committees, and that the UK remains committed to finding resolutions. The UK thanked the EU for responding to the request for a risk assessment on these commodities, but noted questions remained that required technical discussions. The UK also stated that the restrictions imposed by the EU are not in line with the TCA and are disproportionate to the biosecurity risks, given the similar or identical conditions that exist across GB and the EU. The UK requested further technical discussions on this point, as well as on the alternative less trade restrictive measures to meet the EU's appropriate level of protection.

On seed potatoes, the UK noted their view that this issue is of great importance to EU and GB industries, given the sector's reliance on the exchange of genetic material and access to a wide range of varieties. The UK summarised that while their preference is to resolve this matter through technical discussions, if that is not possible, they will need to consider further options.

On LBMs, the EU responded that the basic principle is that food imported into the EU should be fit for human consumption, and undepurated Class B LBMs do not match these criteria. They noted that these EU rules also existed while the UK was a Member State, and apply to all 3rd countries. The EU does not see benefit in organising further technical discussions on the issue.

On seed potatoes, the EU responded that it is a commodity of high risk, since an introduction of pests through it could have an enormous impact on EU food security and pest-free status. The EU stated they would not envisage changes to the measures in place.

The UK reiterated their commitment to resolving this issue and noted the need to maintain discussions.

Pet travel – Part I listing and update on UK commercial movement of pets safeguard measure

The UK noted the importance of this issue for those who travel with pets to Europe, and particularly for those with assistance dogs. On Part I listing, the UK noted their position that there is no animal

health or biosecurity basis for this decision, and that the UK never received any formal feedback on their application. The UK requested this feedback along with a technical discussion, covering further details on the EU's requirements for Part I listing given that countries such as Iceland and the Faroe Islands are listed without needing to dynamically align with the EU's regime.

The EU explained their position that countries that benefit from the facilitation granted through Part I listing in EU legislation are those which are applying rules comparable to those that are in the EU, meaning countries that are either dynamically aligned with the EU or have committed to do so in the future. The EU was not aware of any Part I listing application provided by the UK. On assistance dogs, the EU noted their view that Article 32 of Regulation (EU) No. 576/2013 is a good basis to facilitate these movements. The EU asked the UK to resend their Part I listing application, which once received, will be responded to in writing.

The UK also updated on their process for recognising the *Echinococcus multilocularis* free status of 3rd countries, noting that they have identified a robust process that protects UK biosecurity. The EU confirmed that their rules for non-commercial movements of pets were up for review ahead of 21st April 2026. The EU asked for UK reflections on their third country recognition process, which the UK agreed to share.

On the commercial movement of pets safeguard measure, the UK updated that the evaluation of the measure showed that it is reducing the number of non-compliant movements, but there remain some instances of circumvention of the measure. The UK noted their desire to continue engagement with the EU and impacted Member States on the measure, and agreed to share a paper outlining the results of the measure and engage in follow up technical discussions. The EU asked for an update on the outcome of the UK's audit relating to commercial movement of pets and confirmed they had received no further complaints from Member States. The UK responded that it will be finalised shortly.

Updating of GB country lists and certification requirements

The EU stated that this agenda item related to GB country lists for regionalisation and disease-free status in EU Member States. The EU noted that exchanges needed to be intensified to ensure that those are kept up to date and accurate to avoid obstacles to trade in view of the upcoming requirement to certify medium risk products from the EU from January 2024 onwards as part of the UK's BTOM. The EU noted that further discussion is required on regionalisation for HPAI and the sharing of information by the Commission to ensure the timely lifting of restrictions. Further, the EU indicated that to facilitate export certification, it is important that restricted zones in the EU and the UK are demarcated according to the exporting Party's own measures, e.g. in the case of the EU as those are defined in Commission Implementing Decisions. The UK thanked the EU, and agreed that it was of mutual interest to ensure that lists of disease control zones are as accurate as possible to enable correct certification.

On lists of restricted zones, the UK noted ongoing work to exchange information effectively, but that the issue of automated forwarding of ADIS alerts only being issued for HPAI outbreaks occurring outside of already restricted areas remained. The UK has a potential solution for this which was discussed at a technical level in July, with a view to the Parties agreeing this as quickly as possible. This included the potential for GB lists to refer directly to the zones set out in EU Implementing Decisions. In order to maintain oversight and satisfy the requirement for mutual information sharing, the UK would still require notification of all outbreaks that are affecting the demarcation of zones and the duration of restrictions. The EU agreed to a follow-up technical discussion to discuss those issues. The UK noted previous useful discussions on the process for

recognising disease freedom status in GB country lists, and the relevant notification and assessment process agreed.

Triangular Trade – POAO of EU origin

The UK stated that this issue had been raised previously, and that the UK now wanted to discuss potential risk mitigation measures. The UK noted that the measures proposed focused on an approved commodity coming from the EU to an approved premises in GB for cutting, slicing, grating and packaging and sending back to the EU. The UK queried whether a framework could be agreed for these movements to take place, so that there would be control over the movements between the point of production and the point of processing, with specific conditions attached to such movements. The UK was clear this wasn't a suggestion to change the definition of processing, but to consider a series of risk mitigations. The EU noted that this issue has been discussed and replied by the EU previously. The EU also highlighted that they have clear animal health requirements for entry into the EU for consignments of products of animal origin, set out in the delegated Regulation (EU) 2020/692, which apply equally to all 3rd countries. The EU restated that, as regards animal health requirements, they do not envisage changes to their existing policy on this matter or reconsideration of the risk basis, or any further consideration of potential risk mitigations. Both Parties agreed to continued written exchanges, covering the issue of the UK's proposed risk mitigation measures.

Participants

Participants of the Third Meeting of the Trade Specialised Committee on Sanitary and Phytosanitary Measures (TSC SPS)

UK Delegation (70)

- UK Co-chair of the TSC SPS
- UK Government Officials from Defra, Food Standards Agency, and Foreign, Commonwealth and Development Office
- UK Mission to the European Union Official
- Officials from Scottish Government, Northern Ireland Executive, and Welsh Government
- Officials from Governments of Jersey, Guernsey and Isle of Man

EU Delegation (50)

- EU Co-Chair of the TSC SPS
- European Commission Officials
- Delegation of the European Union to the UK Officials
- Representatives of EU Member States