

Minutes Report

Trade Specialised Committee on Sanitary and Phytosanitary measures under the EU-UK Trade and Cooperation Agreement

21 October 2024

- **Opening**

The European Union (EU) and the United Kingdom (UK) Co-Chairs welcomed participants to the meeting and adopted the provisional agenda as final, with the addition of two "any other business" items, one from each Party. The UK noted outstanding actions from the previous Committee, on triangular trade and movement of Day Old Chicks between HPAI zones, on which they would like to follow up.

Item 1: GB Border Target Operating Model (BTOM) -

- a. GB SPS Border Controls*

The EU began by welcoming and thanking the UK for their constructive engagement on the BTOM since its entry into force. The EU referred to the information made available on gov.uk regarding the border inspection rates for different types of commodities importing into Great Britain (GB) from the EU, categorised by the UK as medium-risk or high-risk, which are subject to checks from 30 April 2024. The EU requested clarification on whether these inspection rates represent the maximum targets being phased in gradually or the currently implemented rates, and which would increase in the future. The EU also pointed out the importance of specifying the timeline for any planned increases to the rates and how these would affect the current fees charged. Additionally, the EU stressed that the fees should not exceed the costs incurred, as stated in the TCA. The EU questioned how this obligation is complied with, given that low-risk category animal products are charged a fee amounting to more than one-third of the standard charge for medium-risk products, despite not being subject to regular checks.

The EU asked the UK to consider addressing some of the EU's concerns surrounding the commencement of implementation border checks in GB, referring particularly to the need to consider uniform interpretation among border control posts, as well as communication with exporting country competent authorities, traders, and transporters in cases where a consignment is retained. The EU also highlighted the need for more clarity on the procedures applying for consignments selected for physical checks, including the maximum time for concluding the process and releasing the consignment when no non-compliant findings are identified.

The EU requested an update on the time of implementation of the requirement that live animals imported into GB are checked at border control posts, as well as on the future of the Certification Logistics Pilot (CLP) module of the Accredited Trusted Trader Scheme (ATTS).

The UK indicated that, with the aim of limiting trade disruption due to the introduction of checks at the border from April, it adopted a pragmatic approach based on evidence and real time information to prioritise the implementation of checks on higher-risk commodities and gradually scaling them up over time. This was done to ensure the biosecurity risk was mitigated and set proportionate expectation on businesses.

On inspection rates, the UK informed that these will be regularly reviewed based on identified risks and findings, whereas regarding fees, it confirmed that these do not exceed the costs incurred to perform the checks. The UK justified the fee charged for low-risk products of animal origin, on that some checks on these commodities may be performed, where deemed necessary, such as where risk-based intelligence suggested a need.

On the implementation of checks at the border on imported live animals, the UK informed that it is in the process of finalising decisions on the matter, which will be communicated to the EU shortly.

Regarding the Certification Logistics Pilot (CLP) module of the Accredited Trusted Trader Scheme (ATTS), the UK stated that it will continue running as a pilot during the coming months to collect sufficient data for analysis and evaluation. The UK noted the positive feedback received from EU businesses and wanted to thank EU Member States for their engagement.

The EU and the UK agreed to follow-up written exchanges to clarify any pending issues or issues identified in the future regarding applicable border control procedures and the interpretation of certification requirements.

b. Transparency of changes to GB SPS measures

The EU reiterated its concern regarding the lack of advance notifications, in line with Article 7 and Annex B of the WTO SPS Agreement, when certain SPS measures of the UK with significant effect on trade are being modified. The EU specifically mentioned commodity risk categorisations, model health certificates, and country-listing tables, including treatment requirements.

The EU welcomed the fact that the UK issued a first WTO SPS notification relating to GB model health certificates the week preceding the meeting and expressed hope that this practice will continue and be followed for modifications to commodity risk categorisations, country-listing tables, and other SPS measures affecting trade.

The EU also pointed to the necessity that records of previous versions of the different SPS measures remain available to traders and exporting country competent authorities.

The UK confirmed that WTO SPS notifications will be issued in advance of any intended modifications to SPS requirements under the BTOM. The UK sought clarification from the Commission as to the criteria they use to determine whether a measure they are introducing is trade facilitative or not. The EU informed that Trade facilitating measures could include, inter

alia, the raising of the level of maximum residue limits of certain pesticides in certain products, the lifting of a ban on imports, or the simplification or elimination of certain certification/approval procedures.

Regarding risk categories for Products of Animal Origin, the UK stated that these (not including third country listings) will be reviewed every six months, whereas certificates will be subject to change only four times a year - in January, April, July, and October. These limitations to the frequency of changes would not be applicable in cases of emergency measures.

c. GB SPS risk categorisation of plants and plant products

The EU suggested that the UK moved several fruit and vegetable commodities from the low-risk category to the medium-risk category in early 2024 without any notification. The EU stated that, in their view, this was an example of lack of sufficient transparency regarding modifications of GB SPS requirements as mentioned in subitem 1b above, and added that the easement that the UK has applied that involves temporarily treating those commodities as low-risk would not, in their opinion, justify the lack of notification for any such change.

The EU highlighted the importance of stability and predictability of requirements, adding that repeated postponements of the dates of implementation of new measures, as is currently the case with the requirements for the certification of fruit and vegetables, lead to difficulties for traders and authorities in the EU, who need to run costly preparations well in advance, including the recruitment and training of staff.

The EU also noted that the standard time for the implementation of risk categorisation changes for plants and plant products remains at three months, which in its view, is extremely short.

Finally, the EU expressed concern regarding the UK's intention to require official certification from exporting countries for certain plant commodities included in the new 'medium-risk B' sub-category, while these commodities will not be subject to other import controls. The EU expressed doubt as to whether this practice of requiring official documentation to be issued by authorities in the exporting countries, which would not be received and actively checked by the authorities of the importing country, would be a balanced one, noting that it was the EU's opinion that this is deviating from international common practices

On the time of implementation of risk categorisation changes for plants and plant products, the UK clarified that these can be longer or shorter than the minimum three months foreseen, depending on the risks identified. The UK added that where a change meant deregulation or reduction in controls, then a longer notification period would be unnecessary as there would be benefits to trade. The UK expressed readiness to share the publicly available information on the assessments leading to changes to the risk categorisations of plants.

The EU expressed the view that while short implementation times for a measure can be acceptable if the conditions for adopting emergency measures are fulfilled, it is necessary that the standard implementation period should be reasonably long to ensure predictability and

sufficient time for traders and authorities to adapt, adding that three months is too short for that.

The UK stated that the aim of splitting the medium category into two sub-categories is to minimize the burden on traders. The UK considers the requirement for a phytosanitary certificate for medium B to be proportionate to the commodity-associated risk, in that a statement is provided by the National Plant Protection Organisation of the exporting country that the consignment in question has been officially inspected and is free of harmful organisms. The UK expressed the view that there is no international obligation that a requirement for a phytosanitary certificate must be linked to a requirement for import inspection.

Item 2: Measures of the Parties on specific commodities

a. EU and UK Measures on the Import of Seed Potatoes

The UK restated that resuming trade in seed potatoes remains a UK priority, and has been pursued since the end of the transition period, and the current prohibition is not consistent with the TCA. The UK referred to its latest request, submitted late 2023, to the EU to allow the marketing in the EU of seed potatoes from certain areas in Great Britain based on meeting relevant EU requirements. While the UK welcomed the ongoing EU audit of its production system as it relates to seed potatoes, the UK stressed its expectation that the process of assessing this request by the EU will be concluded in time for trade resumption for the March 2025 planting season.

The UK also requested clarifications on the decision-making procedures in the EU that would need to be followed in case GB seed potatoes were to be allowed into the EU.

The EU mentioned that the audit necessary for assessing the UK's request was taking place during the second half of October 2024, adding that the results of the audit, for which no precise timeline could be given at this stage, would be one of the inputs the European Commission will use. The EU stated that the access of GB seed potatoes to the EU market would require legal amendments that would need to be introduced through regulatory committee procedure as well as, for EU-wide marketing, co-decision by the Council of the EU and the European Parliament. The EU pointed out that while Member State-level temporary approvals in respect of marketing rules could be granted, such option is limited to the marketing requirements for quality and varietal identity only, and that it is not practically applicable, for as long as there is a prohibition of imports under the plant health rules.

The EU reminded that, after the UK authorities informed of their readiness to assess EU applications for the marketing of seed potatoes in GB, in 2021 and 2022, three applications were submitted on behalf of EU Member States, for which no feedback has been obtained so far. The EU requested the UK to inform on the timeline for assessing these applications and the process that would lead to their approval.

The UK responded that the EU applications are under consideration, but no precise timeline could be provided at this stage. On the process, the UK clarified that once the initial assessment is conducted centrally with the participation of the devolved administrations, the final decisions for authorisation would need to be taken by the ministers of each UK entity.

The UK also clarified that there is no legal prohibition in place on the import of seed potatoes.

b. UK Measures on the Import of Porcine Meat and Meat Products

The EU referred to its concerns it already raised with the UK regarding the prohibition from 1 July 2024 of fresh meat of domestic pigs from areas of the EU that are not affected by African swine fever (ASF) in domestic pigs, but where the disease is present in wild boar (restricted zones II - RZII).

The EU pointed out that such a measure is more restrictive than the relevant recommendations of the World Organisation for Animal Health (WOAH) and, therefore, should be justified by a risk assessment.

The EU also raised its concern about the sudden unnotified and immediately applicable change of the treatment requirements for porcine meat products from restricted zones II introduced during July 2024, which has led to significant trade disruption. The EU added that even if the need for a risk-mitigating treatment for ASF were justified, which, in their view, does not seem to be the case so far, the measure of the UK would still deviate from WOAH recommendations, as it allows only for one option (80°C throughout the product), whereas other treatments, such as maturation, should also be allowed.

The UK stressed that it has a different epidemiological situation in relation to ASF and highlighted the importance of keeping the disease out of the country.

Regarding fresh meat, the UK explained that the issue relates to its decision that, following the entry into force of the BTOM, it ceased accepting the temporary certificates for products under safeguard measures which it had put in place from the end of the transition period to manage EU regionalisation whilst UK's own import regime was developed. The UK added that following a request for clarification by the EU, the UK replied that these certificates should be removed from TRACES after the entry into force of the BTOM, and the EU was notified via letter in March 2024 that import of fresh porcine meat from the concerned areas would not be possible from 1 July 2024.

The UK re-iterated its willingness to consider a possible acceptance of fresh meat from RZII as per their letter on 18 October, on the condition that the EU can provide a protocol allowing the UK to obtain updated real-time information on the epidemiological situation and regionalisation measures in the EU in relation to ASF, including on changes to the restricted zones.

Regarding the treatment requirements for meat products from ASF-restricted areas, the UK indicated that it would modify the country listing table for meat products to change the

minimum required specific treatment for meat products from restricted zones II, from treatment 'C' to the less severe treatment 'D', as defined in assimilated Commission Decision 2007/777/EC.

The EU highlighted that in its view all relevant data on ASF is already publicly available (EU ASF webpage, PAFF committee webpage etc.). In addition, relevant information on changes to the ASF disease situation and zoning measures in the EU is readily shared with the trading partners through "info notes" and invited the UK to examine the data it already has available. The EU and the UK agreed to hold follow-up technical discussions on the additional information relevant to the ASF epidemiological situation and measures in the EU the UK requires.

The EU referred to the pending request for recognition of Bulgaria's free status for Classical swine fever, already recognised by the WOA. The UK confirmed that the request is under review and that it will come back to the EU shortly with its feedback.

c. EU Measures on Live Bivalve Molluscs from Class B Waters Intended for Depuration

The UK restated that the resumption of trade in GB Class B LBMs intended for depuration remains a UK priority as it has done since 2021 and that, in the view of the UK, the current prohibition is not consistent with the TCA. The UK requested the EU respond to their questions on the EU's risk assessment for the justification of the prohibition.

The EU suggested that relevant responses had already been provided, adding that the fact that such products are not in compliance with international recommendations on the microbiological criteria for food is sufficient justification for not allowing their import from third countries. The UK reiterated its view that it does not consider its questions have been replied to and indicated it would like to receive detailed responses to their specific questions outlined in their letters of May 8th 2024 and September 28th, and follow-up technical exchanges if necessary.

Item 3: Sharing of information on animal disease outbreaks and Adaptation to Regional Conditions

a. Sharing of information for disease outbreaks

The UK expressed its interest in receiving information from alerts produced by the Animal Disease Information System (ADIS) for outbreaks of all regulated animal diseases in the EU according to the solution used for the outbreaks of highly pathogenic avian influenza.

The EU informed that recently, the publicly available information on the data reported to ADIS has recently been significantly extended. It invited the UK to examine that public information before discussing any needs of the UK for additional information.

b. Sharing Information on Establishment Lists

The UK referred to what it considers as a long-standing technical issue with the TRACES NT interface used by IPAFFS to obtain the EU-approved establishment lists for the purpose of border controls, previously raised through contacts between technical experts.

The EU, indicated not to have formally received information from the UK on such technical issue before, but expressed readiness to receive the relevant details.

The Parties agreed to follow-up contacts between technical experts to resolve any issue with access to the EU-approved establishment lists as a priority.

c. *Recognition of Subsequent Adaptations of Disease-Free Zones and New Disease-Free Zones*

The EU sought clarifications on the implementation by the UK of Article 78 paragraphs 8 and 9 of the TCA, which foresee that the Parties shall recognise the disease-free areas in each other's territory that were in place at the end of the transition period, as well as their subsequent adaptations.

The EU considers that the importing Party may only deviate from the obligation to directly recognise subsequent adaptations if it justifies a significant change in the situation relating to the disease in question, as stated in paragraph 9 of the Article.

The UK stated that it requires supporting documentation to assess in order to decide on the recognition of adaptations of disease-free areas, as it considers these to constitute a significant change to the disease situation under paragraph 9. The UK added that, in their view, they do not ask for more information than the Commission requires of MSs to demonstrate disease freedoms.

The EU observed that requiring supporting documentation to assess in order to implement paragraph 9, appears as applying the standard process used for the assessing new applications for the recognition disease-free areas foreseen in the same article, thereby cancelling the intended facilitation that paragraph aimed to offer. The EU and the UK agreed to hold follow-up technical discussions on the implementation of Article 78 paragraphs 8 and 9 of the TCA.

Item 4: SPS e-Certification for Trade between the Parties

The EU acknowledged the recent progress regarding the electronic phytosanitary certification through the IPPC hub of plants and plant products imported into GB from EU Member States using the TRACES system.

The EU referred to some remaining work regarding EU Member States using national systems for this purpose. The EU observed that some corrections were needed to the list of those Member States and indicated that it would communicate in writing the correct list.

Regarding animals and animal products, the EU observed that, although the declared objective of the UK during the previous meeting was that e-certification for imports into GB would be fully running in time for the introduction of the BTOM, no progress has occurred in this area.

The EU indicated that while the temporary solution of the UK accepting verifiable PDF copies of the certificates offered some facilitation, this does not offer the benefits of electronic certification and reminded of the Parties' commitment in the TCA to promote it.

The UK informed that it is developing a digital system for animals and animal products for export from GB to the EU, but added that no prediction can be made on the implementation timeline at the moment.

The UK asked if, pending the completion of that work, PDF copies of certificates could be temporarily accepted for imports into the EU.

The EU replied that this option is not possible according to EU legislation, which requires either electronic certificates issued in TRACES or in exchange with TRACES or certificates printed on paper, stamped, and signed.

Item 5: GB Import Certification Requirements for Animals and Animal Products

The EU referred to the fact that, for the certification of consignments of meat and certain other animal products imported from the EU consisting of raw material originating in multiple EU Member States, the UK requires that every Member State of origin is detailed in the certificate issued by the exporting Member State.

The EU indicated that this requirement, sometimes leading to the need for pre-export certificates to be issued, unnecessarily increases costs and administrative burden for certification. The EU added that traceability and compliance of the products are reassured through the harmonised SPS regime in the EU and asked the UK to consider this issue based on the EU's SPS single entity.

Furthermore, the EU raised the issue relating to the statements in GB model certificates regarding animal diseases that the WOA no longer considers significant to international trade, and for which it does not recommend import conditions, something that, in the view of the EU, is adding unnecessary burden when certifying certain animals and products for their export to GB.

The EU observed that there has been no progress on this issue despite, the UK having informed during the previous TSC-SPS meeting of October 2023, of the favourable result of the assessment in relation to the ovine and caprine diseases which would lead to the removal of the requirements from the certificates and on the expected completion of the assessment for porcine diseases, including swine vesicular disease, by the end of November 2023.

The EU also reminded that, following incidents of retention of consignments at the border in relation to the trichinella-related statement in the GB certificate for porcine meat, it expects the UK to confirm that EU Member States can choose the option of holdings officially recognised as applying controlled housing conditions, if the relevant conditions are fulfilled, without a dedicated footnote being required in the GB country listing table.

The UK indicated that it requires the details on each EU Member State of origin of the raw material included in a consignment exported from the EU for purposes of traceability and to introduce safeguard measures, as it does not consider the EU as a single epidemiological unit.

The UK added that, it has already been accommodating, considering modifications it introduced to the GB model certificates allowing the import of consignments comprising of material from multiple countries, which in the UK's view, constitute a recognition of the EU's SPS single entity on its side. The UK added that the need to mitigate biosecurity risk outweighs the burden of listing Member States individually. The UK confirmed that it was not expecting pre-export certification between Member States and would expect that certifying Official Veterinarians in the EU to be able to rely on the traceability and compliance of the products reassured through the harmonised SPS regime in the EU evidenced by the information transfer systems within the EU. On the issue of animal diseases deregulated by the WOA, the UK stated that based on the consideration of risk it has decided not to remove the diseases from the model certificate. However, the UK noted that it was considering modifying the wording in certain certificates in relation to such diseases, to facilitate certification.

The UK confirmed that it will respond to the EU in writing to clarify its import certification requirements in respect of Trichinella.

Item 6: Trade in Products from Poultry Vaccinated Against Avian Influenza

The EU sought an update on the UK's approval of France's vaccination plan against highly pathogenic avian influenza, which effectively results in a prohibition of import of meat of vaccinated poultry from the country since early 2024.

The EU also expressed concern that, pending the approval of the vaccination plan, the import of heat-treated meat products from vaccinated poultry is not allowed.

The UK indicated that there are some remaining questions regarding the surveillance foreseen under the plan, which must be addressed through ongoing bilateral correspondence and in-country audit. The UK thanked France for its constructive engagement on the issue.

On heat-treated products of vaccinated poultry, the UK stated that it is reviewing its position on the matter and will be making a decision shortly. However, it indicated that any change in the policy of prohibiting those products from countries without an approved plan would not take place rapidly, as a legislative change and WTO notification would be required.

Item 7: Cooperation on Animal Welfare

The Parties exchanged updated information on their respective regulatory and scientific opinion developments in respect of animal welfare.

The EU presented two new legislative proposals adopted in December 2023, one proposal for a Regulation of the Council and European Parliament on the protection of animals during transport and a proposal for new rules on the welfare of dogs and cats and their traceability. The EU also informed about the Commission Communication responding to the European Citizens' Initiative "Fur Free Europe". The EU focused on the main provisions of the two proposals and the ones impacting third countries.

The UK informed the EU about the animal welfare priorities and the policy developments related to a new law concerning The Animal Welfare (Livestock Exports) Act 2024 banning the export of live animals for fattening and for slaughter. The UK is putting in place rules to make sure it is applied and properly enforced, building on existing pre-export controls for livestock, including the journey log process.

As horse movements are more complex, the UK is working together with industry to find the most effective solution to prevent horses being exported for slaughter. The UK would welcome engagement with the EU at working level on implementing the live exports ban for horses.

Item 8: Cooperation in Multilateral International Fora

The Parties exchanged views on the implementation of cooperation in the framework of the WTO SPS Committee and in Codex Alimentarius. They welcomed the constructive, productive and amicable nature of the relationship and welcomed the recent reactivation of the Codex Alimentarius Coordinating Committee for Europe.

Item 9: Any Other Business

Submission of Residue Control Plans

The EU referred to the residue control plans and results EU Member States are required to submit annually to the UK authorities.

The EU indicated that Member States are facing challenges in relation to the required templates and the requested deadlines for submissions, stressing the importance of agreeing on alternative options well in advance of the upcoming deadline for the submission of the 2025 plans.

The UK confirmed that it is examining the EU's request and will provide its feedback shortly.

EU Requirements for Non-Commercial Movements of Pet Animals from GB

The UK expressed its concern that the EU did not agree to include in the agenda of the meeting an item on their request for the listing of GB in accordance with Article 13(1) of Regulation (EU) No 576/2013 regarding non-commercial movements of pet animals. They stated they did not understand the EU's change in position on non-commercial movements of pet travel, given this, referred to by the UK as 'Part I Pet Travel Listing' has been discussed at previous Trade Specialised Committees on SPS as captured in the minutes. The UK reiterated their view that pet travel is in scope of the TCA, and that the EU's position on Part I listing is contrary to their TCA commitments, noting the UK's high animal health standards and added that, in their opinion, they had not received a satisfactory response to the UK's second application for Part I listing and emphasised the need for one.

The EU indicated their opinion that issues relating to requirements for non-commercial movements are out of the scope of the SPS Chapter of the EU-UK TCA to the implementation of which the committee is dedicated. The EU clarified that issues relating to the requirements for the movement of pets are not necessarily out of the scope of the TCA as commercial movements of those animals are within the scope of the Agreement. The EU expressed the view that items relevant to movements of pets which were included by the UK in two previous TSC-SPS meetings were either not exclusively concerning non-commercial movements or were not explicit about the type of pet movements they concerned. The EU added their view that any discussion with the UK on non-commercial movements of pets may only take place through non-TCA channels such as separate bilateral exchanges between the UK authorities and the European Commission.

Participants

EU Delegation

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

UK Delegation

- 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