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From:	General Secretariat of the Council
To:	Delegations
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Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EU) 2017/625 as regards official controls on animals and products of animal origin exported from third countries to the Union to ensure compliance with the prohibition of certain uses of antimicrobials – Presidency compromise text – Comments from the French delegations

Delegations will find in the Annex comments from the French delegation and its translation into English on the suggested rewording from the Presidency on the above proposal, taking into account comments received from delegations (see WK 3894/2021 + ADD1).

Paris, le 8 avril 2021

**NOTE DES AUTORITÉS FRANÇAISES
À LA PRÉSIDENTE DU CONSEIL DE L'UNION EUROPÉENNE**

Secrétariat général du Conseil

LIFE.3@consilium.europa.eu

Objet : Position des autorités françaises sur la proposition amendée par la Présidence portugaise de règlement modifiant le règlement (UE) 2017/625 en ce qui concerne les contrôles officiels effectués sur les animaux et les produits d'origine animale exportés par des pays tiers dans l'Union afin de garantir le respect de l'interdiction de certaines utilisations d'antimicrobiens adopté par la Commission le 9 mars dernier (doc. ST 7465/2021)

Les autorités françaises remercient la Présidence portugaise pour sa proposition amendée de règlement modifiant le règlement (UE) 2017/625 en ce qui concerne les contrôles officiels effectués sur les animaux et les produits d'origine animale exportés par des pays tiers dans l'Union afin de garantir le respect de l'interdiction de certaines utilisations d'antimicrobiens (doc. ST 7465/2021). Cette version de compromis intègre notamment les commentaires reçus par la France et la Grèce concernant les échinodermes.

L'article (1a) ajouté par la Présidence portugaise pour remplacer le terme « holothurides » par le terme « échinodermes » à l'article 18(7)(g) du règlement (UE) 2017/625 convient tout à fait aux autorités françaises.

Elles souhaitent toutefois proposer une modification du considérant (5b) introduit par la Présidence portugaise en relation avec l'article (1a) susmentionné. Les modifications proposées ont deux objets :

- premièrement, les autorités françaises proposent de se référer uniquement au cadre réglementaire posé par le règlement (UE) 2017/625 : dispositions de l'article 18(6) relatives au classement des zones de production et dispositions de l'article 18(7)(g) introduisant une dérogation à l'obligation de classement. En effet, il ne paraît pas opportun de se référer au règlement (CE) n° 853/2004 : d'une part le présent projet de règlement modifie le règlement (UE) 2017/625 et non le règlement (CE) n° 853/2004 ; d'autre part le règlement (UE) 2017/625 concerne les exigences qui s'appliquent aux autorités compétentes tandis que le règlement (CE) n° 853/2004 concerne les exigences qui s'appliquent aux professionnels.
- deuxièmement, les autorités françaises proposent de mentionner l'absence de lien observé entre les règles relatives au classement des zones de production d'une part et, d'autre part, les risques sanitaires associés aux échinodermes, tel que le mentionnait le considérant n°4 du règlement (UE) 2017/1978¹.

Proposition de considérant (5b) modifié :

(5b) In accordance with Article 18(7) of Regulation (EU) 2017/625, the Commission is empowered to adopt specific rules for the performance of official controls on criteria and conditions to determine, in relation to Pectinidae, marine gastropods and Holothuroidea, when production and relaying areas are not to be classified. Holothuroidea are a class of the phylum Echinoderms. Echinoderms are generally not filter feeder animals. Consequently, the risk of such animals accumulating micro-organisms related to faecal contamination is remote. In addition, no epidemiological information has been reported which could ~~be linked to link the provisions for classification of production areas laid down in article 18(6) to Regulation (UE) 2017/625 with~~ risks for public health associated with echinoderms that are not filter feeders. For this reason, the ~~possibility to exclude exclusion~~ from the requirement to classify the production areas as laid down in ~~article 18(7)(g) to Regulation (UE) 2017/625 Chapter II of Section VII of Annex III to Regulation (EC) No 853/2004~~ should be extended to all echinoderms which are not filter feeders. Such echinoderms which are not filter feeders include for instance those belonging to classes Echinoidea and Holothuroidea.

¹ *Considérant (4) du règlement (UE) 2017/1978 de la Commission du 31 octobre 2017 modifiant l'annexe III du règlement (CE) n° 853/2004 du Parlement européen et du Conseil fixant des règles spécifiques d'hygiène applicables aux denrées alimentaires d'origine animale en ce qui concerne les mollusques récoltés en dehors des zones de production classées : "Echinoderms are generally not filter feeder animals. Consequently, the risk of such animals accumulating micro-organisms related to faecal contamination is remote. In addition, no epidemiological information has been reported to link the provisions for classification of production areas laid down in Annex II to Regulation (EC) No 854/2004 with risks for public health associated with echinoderms which are not filter feeders. For this reason, such echinoderms should also be excluded from provisions on the classification of production areas as laid down in Chapter II of Section VII of Annex III to Regulation (EC) No 853/2004."*

Position of the French authorities on the Portuguese Presidency's amended proposal for a Regulation amending Regulation (EU) 2017/625 as regards official controls on animals and products of animal origin exported from third countries to the Union to ensure compliance with the prohibition of certain uses of antimicrobials, adopted by the Commission on 9 March (7465/21)

The French authorities would like to thank the Portuguese Presidency for its amended proposal for a Regulation amending Regulation (EU) 2017/625 as regards official controls on animals and products of animal origin exported from third countries to the Union to ensure compliance with the prohibition of certain uses of antimicrobials (7465/21). This compromise version incorporates, among others, the comments received by France and Greece about echinoderms.

Article (1a), added by the Portuguese Presidency to replace the term 'Holothuroidea' with 'Echinoderms' in Article 18(7)(g) of Regulation (EU) 2017/625, is entirely acceptable to us.

However, we would like to propose an amendment to recital (5b), inserted by the Portuguese Presidency in relation to the abovementioned Article (1a). The proposed amendments pertain to two points:

- Firstly, we suggest referring only to the regulatory framework laid down by Regulation (EU) 2017/625: the provisions of Article 18(6) relating to the classification of production areas, and the provisions of Article 18(7)(g) introducing a derogation from the classification obligation. It does not seem appropriate to refer to Regulation (EC) No 853/2004, firstly because this draft Regulation amends Regulation (EU) 2017/625 and not Regulation (EC) No 853/2004, and secondly because Regulation (EU) 2017/625 relates to the requirements applicable to competent authorities, while Regulation (EC) No 853/2004 relates to the requirements applicable to professionals.

- Secondly, we suggest mentioning that no link has been observed between the rules on the classification of production areas and the health risks associated with echinoderms, as mentioned in recital (4) of Regulation (EU) 2017/1978².

Proposal for an amended recital (5b):

(5b) In accordance with Article 18(7) of Regulation (EU) 2017/625, the Commission is empowered to adopt specific rules for the performance of official controls on criteria and conditions to determine, in relation to Pectinidae, marine gastropods and Holothuroidea, when production and relaying areas are not to be classified. Holothuroidea are a class of the phylum Echinoderms. Echinoderms are generally not filter feeder animals. Consequently, the risk of such animals accumulating micro-organisms related to faecal contamination is remote. In addition, no epidemiological information has been reported which could ~~be linked to~~ link the provisions for classification of production areas laid down in article 18(6) to Regulation (UE) 2017/625 with risks for public health associated with echinoderms that are not filter feeders. For this reason, the possibility to exclude ~~exclusion~~ from the requirement to classify the production areas as laid down in article 18(7)(g) to Regulation (UE) 2017/625 ~~Chapter II of Section VII of Annex III to Regulation (EC) No 853/2004~~ should be extended to all echinoderms which are not filter feeders. Such echinoderms which are not filter feeders include for instance those belonging to classes Echinoidea and Holothuroidea.

² Recital (4) of Commission Regulation (EU) 2017/1978 of 31 October 2017 amending Annex III to Regulation (EC) No 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin as regard echinoderms harvested outside classified production areas: "Echinoderms are generally not filter feeder animals. Consequently, the risk of such animals accumulating micro-organisms related to faecal contamination is remote. In addition, no epidemiological information has been reported to link the provisions for classification of production areas laid down in Annex II to Regulation (EC) No 854/2004 with risks for public health associated with echinoderms which are not filter feeders. For this reason, such echinoderms should also be excluded from provisions on the classification of production areas as laid down in Chapter II of Section VII of Annex III to Regulation (EC) No 853/2004."