

## **Draft amendment to Regulation 2020/760 as regards the proof of reference quantities for poultry meat from Ukraine**

(17/01) Following the recent meeting of the Horizontal Committee on Trade Mechanisms, held in Brussels on 24 April, the European Commission presented a draft amendment to Delegated Regulation (EU) 2020/760 in relation to the impact of temporary autonomous trade measures (ATMs) to liberalise trade with Ukraine. Previously, the EU Commission had outlined to delete the provisions in Article 9 (6) and (7) of Delegated Regulation (EU) 2020/760 (see EPEGA News No. 9 of 29 February 2024). As a result, imports of Ukrainian goods could no longer be used to build up reference quantities for other import quotas for which there is the possibility of cumulation.

As EPEGA, we, along with other associations, had opposed the repeal of paragraphs 6 and 7 in Article 9 of Delegated Regulation (EU) 2020/760 vis-à-vis the EU Commission. The draft now submitted takes into account the objections of the associations that the two paragraphs are not to be deleted, but to be amended so that the erga omnes quotas can no longer be used to form reference quantities in the groups concerned. In accordance with Article 1 of the draft, Article 9 of Delegated Regulation (EU) 2020/760 is amended as follows:

**Paragraph 6:** “By way of derogation from paragraph 2, the reference quantity shall be calculated by cumulating the quantities of products released for free circulation in the Union, which fall within each of the following groups of three or four quota order numbers set out in Annex I to Implementing Regulation (EU) 2020/761:

09.4211, 09.4212 and 09.4290;  
09.4214 and 09.4215;  
09.4410, 09.4411 and 09.4289.”

**Paragraph 7:** “By way of derogation from paragraph 3, for the tariff quotas under order numbers 09.4211, 09.4212, and 09.4290, the total quantity of products covered by licence applications submitted in the tariff quota period for those four tariff quotas shall not exceed the applicant’s total reference quantity for those four tariff quotas. The applicant may choose how to sub-divide the total reference quantity among the tariff quotas for which applications are submitted. This rule shall also apply to tariff quotas under order numbers 09.4214, 09.4215 and order numbers 09.4410, 09.4411 and 09.4289.”

In accordance with Article 2 of the draft, this Regulation shall enter into force on the seventh day following its publication in the Official Journal of the EU. It shall apply as of the tariff quota periods starting after the entry into force of this Regulation.

We will keep our members informed about further developments.

## **From 1 July 2024, new regulations for the issuance of certificates of origin in Brazil in accordance with Announcement No 310 of the Brazilian Ministry of Foreign Trade**

(17/02) Since March 2023, Brazil has been issuing certificates of origin for the export of **prepared** poultry meat in digital form. As is well known, in February 2024, the EU Commission made it possible to use certificates of origin issued in digital form with Implementing Regulation (EU) 2024/567 (see EPEGA News No. 7 of 15 February 2024). As we have recently learned from our members, Brazil is now planning to change the regime for issuing certificates of origin for frozen chicken meat from 1 July 2024 in accordance with the Announcement No. 310 of the Brazilian Ministry of Foreign Trade. According to this, importers must first transfer the valid license, after which **only** the electronic certificate of origin is

issued by Brazil. Brazilian exporters will receive quotas and will only receive digital certificates of origin from the authority **if a certain export volume per exporter is not exceeded**. So, the practice for quota No. 09.4410 natural chicken breast is exactly the same as for salted chicken meat. This means that experts use the digital certificate of origin to manage the quantities that are shipped within the quota. It is to be expected that Brazilian exporters will try to sell the goods with a digital certificate of origin at a premium price. Without an import license, the goods can still be imported with a standard commercial certificate of origin.

### **Current situation on the spread of highly pathogenic avian influenza**

(17/03) On 29 April 2024, the European Commission published Implementing Decision (EU) 2024/1222 in the EU Official Journal L concerning emergency measures in relation to outbreaks of highly pathogenic avian influenza in certain Member States following the recent HPAI outbreaks in **Bulgaria** (in the Plovdiv region) and **Hungary** (in Békés and Jász-Nagykun-Szolnok counties). The annex to the decision (EU) 2024/1222 contains the updated territorial outlines of the protection and surveillance zones as well as the provisional duration of the protective measures.

Implementing Decision (EU) 2024/1222, which has now been published, amends Implementing Decision (EU) 2023/2447 accordingly. Implementing Decision (EU) 2024/1222 is available at the following link: [http://data.europa.eu/eli/dec\\_impl/2024/1222/oj](http://data.europa.eu/eli/dec_impl/2024/1222/oj)

### **Current situation on African swine fever**

(17/04) On 30 April, Implementing Regulation (EU) 2024/1269 laying down specific control measures for African swine fever (ASF) and amending Annex I to Implementing Regulation (EU) 2023/594 was published in the Official Journal L. Previously, there had been new outbreaks of ASF in wild porcine animals in **Czechia, Italy** and **Poland**. In addition, the epidemiological situation in certain zones listed as restricted zones I and II in Germany, Lithuania and Poland in Annex I to Implementing Regulation (EU) 2023/594 has improved as regards wild porcine animals, due to the disease control measures being applied by those Member States in accordance with Union legislation.

Implementing Regulation (EU) 2024/1269 is available at the following link: [http://data.europa.eu/eli/reg\\_impl/2024/1269/oj](http://data.europa.eu/eli/reg_impl/2024/1269/oj)

### **European Parliament has approved the Corporate Sustainable Due Diligence Directive**

(17/06) The Corporate Sustainable Due Diligence Directive (CSDDD) has cleared the last major hurdle. The European Parliament gave its blessing to the agreement with the member states on 24 April. The CSDDD was supported by 374 MEPs, 235 voted against and 19 others abstained. Fears of disadvantages for small and medium-sized enterprises were countered by rapporteur Lara Wolters. The argument is being put forward in order to gain political capital. The directive also provides security for the weaker parts of a supply chain. The CSDDD now needs to be formally approved by the Council. After entry into force, Member States will have two years to transpose the requirements into national law. Depending on their size, the companies will not be required to comply until 2027 at the earliest. Corporations with more than 5,000 employees and a turnover of more than € 1.5 billion will be affected. From 2028, the thresholds will be lowered to 3,000 employees and € 900 million euros. In the following year, all companies with more than 1,000 employees and a turnover of more than € 450 million are finally covered.

The CSDDD obliges companies to address the negative impact of their business activities on human rights and the environment by adapting company policies. In addition to certain investments, contractual assurances from business partners are also envisaged. A plan for the transition to adaptation to the Paris

climate targets is mandatory. Liability shall be incurred for damages resulting from a breach of the duty of care. Penalties for non-compliance can reach up to 5% of the company's global turnover. Member States must create or designate a supervisory authority and enforce the Directive. Detailed information must also be provided.

In Germany, the economy can count on support from the Federal Ministry for Economic Cooperation and Development. According to the head of the department, Svenja Schulze, her office offers concrete help, both for German companies that want to make their supply chains fairer, and for companies in partner countries that want to establish fair supply chains to Germany and Europe as suppliers. The development policy offers will now be gradually adapted to the new EU requirements. Schulze's department says it offers a range of measures to implement due diligence obligations. In addition to the "Business and Human Rights" Helpdesk, this includes the expansion of multi-stakeholder initiatives, the formulation of model contract clauses and economic policy advice for partner countries.

### **EU Packaging Regulation clears hurdle in the European Parliament**

(17/07) In the European Union, certain single-use plastic packaging will no longer be allowed to be placed on the market from 2030 onwards. The European Parliament also finally adopted corresponding rules in the amended EU Packaging Regulation on 24 April. Before the law can enter into force, Member States still have to give the formal green light. However, a qualified majority of Member States is still not certain. Italy's government, for example, has positioned itself against the new regulations. In addition, there is a renewed threat of Germany abstaining. The FDP rejects the planned EU regulation. The Greens and SPD are known to be in favour.

At the beginning of March, the Council and the EU Parliament agreed on specific targets for packaging volumes. For example, the total volume is to be reduced by 5% by 2030, by 10% by 2035 and by 15% by 2040. The main focus is on plastic packaging waste. It is envisaged that certain single-use plastic packaging will be banned from 1 January 2030 for unprocessed fresh fruit and vegetables, as well as for food and beverages bottled and consumed in cafes and restaurants. This also includes individual portions, such as for spices, sauces, cream and sugar. In addition, the sale of very light plastic carrier bags with a wall thickness of less than 15 microns is to be severely restricted. One micron is equal to one thousandth of a millimetre. Exceptions should only be made for these bags if it is deemed necessary for hygienic reasons or if this avoids food waste. Such plastic bags may also be used as primary packaging for loose food.

There will also be a ban on the so-called "forever chemicals" in food contact packaging. Well-known examples of this are per- and polyfluoroalkyl substances (PFAS) as well as bisphenol A. In addition, packaging for alcoholic and non-alcoholic beverages should have a mandatory recycled rate of at least 10% by 2030 at the latest. However, containers for milk, wine, aromatised wines and spirits are to remain exempt from this. Furthermore, Member States are to be authorised, under certain conditions, to apply the recycling scheme only from 2035 onwards. According to the trilogue agreement, final sellers of take-away drinks and takeaway food in the catering sector would be obliged to offer consumers the opportunity to bring their own containers from 2030 at the latest. It is also recommended that 10% of products be offered in reusable packaging.

### **USDA: More chicken meat worldwide**

(17/08) According to the US Department of Agriculture (USDA), global production of chicken meat will increase by 1 per cent to 104.2 million tonnes by 2024. This is mainly due to Brazil (plus 1 per cent) and the USA (plus 1 per cent), while a significant decline is predicted in China (minus 6 per cent), as the highly pathogenic avian influenza is leading to ongoing restrictions. According to the USDA, Brazil is benefiting from strong export and domestic demand combined with low production costs, which are ex-

pected to enable record production. Global demand for chicken meat will therefore remain stable, with Chinese imports continuing to account for 6 per cent of global imports in 2024. Global exports are expected to increase by 2 per cent, which is due to the growing Brazilian broiler sector. The current advantage of not having avian flu restrictions and the ability to access the thriving halal market further supports this.

### **Animal health and welfare in Europe - BfR participates in partnership**

(17/09) The Federal Institute for Risk Assessment (BfR) is participating in the European Partnership on Animal Health and Welfare (EUP AH&W), which was launched at the beginning of 2024. The seven-year project aims to promote innovative research projects and facilitate cooperation between relevant stakeholders. The ultimate aim is to improve the fight against infectious diseases in animals and to improve animal welfare. According to the BfR, a total of 56 research institutions and 30 funding organisations from 24 EU and non-EU countries are involved. According to the BfR, the topics of the EUP AH&W include infectious diseases of terrestrial and aquatic animals as well as health risks from zoonoses such as bird flu. Other focal points are the use of antimicrobial agents and ensuring animal welfare at every stage of life. 360 million euros are available for the entire project, half of which is financed by the EU and half by the partner organisations.

The BfR is leading the "Communication, Exploitation, Education and Dissemination" work package in the partnership. The aim is to strengthen internal communication between the EUP AH&W members and to establish contacts with a large number of other relevant stakeholders and interest groups. According to the Federal Institute, this should accelerate European cooperation in achieving scientific excellence. In addition, the Federal Institute is actively involved as a research partner from the outset in order to develop new methods to combat infectious risks. The partnership is being coordinated by the University of Ghent.

#### **Imprint**

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