

Current situation on the spread of highly pathogenic avian influenza (Annex)

(03/01) The Friedrich Loeffler Institute (FLI) still does not see any easing of the avian influenza situation. In 2023, there were a total of 65 outbreaks in poultry farms, 9 in game reserves and animal parks, and 1,104 cases in wild birds in **Germany**. Until October 2023, a genotype of the highly pathogenic avian influenza virus H5N1 adapted to seagulls dominated. This was replaced by new variants. For the new year, the National Reference Laboratory for Avian Influenza has already confirmed six outbreaks in poultry and 14 cases in wild birds. Accordingly, the FLI assesses the risk of further outbreaks and cases as high. On 12 January, the FLI published an updated risk assessment on highly pathogenic avian influenza (HPAI), which we have attached to this circular. According to FLI, fortunately, there have been no cases of mammalian infection in Germany in recent months, but cases continue to be reported internationally.

In **Europe** the number of HPAI outbreaks in domestic poultry in December was similar to the previous month. **Hungary** remains a focus with numerous secondary outbreaks (mainly waterfowl) (Fig. 2, 4). In total, more than 1.7 million birds (turkeys, chickens, waterfowl) were affected by outbreaks across Europe in December alone (1.6 million in the previous month). At the beginning of January, **France** reported an outbreak in waterfowl (ducks) from a flock vaccinated against HPAI H5N1 in November 2023. At the end of December, **Ukraine** reported an outbreak in captive birds in the North of the country near the Russian border. The **Slovak Republic** reported two cases in captive owls. The number of wild bird cases in Europe also remained high in December with over 150 cases. In December, the World Organisation for Animal Health (WOAH) was notified of 7 detections of HPAIV H5 in mammals exclusively from Finnish fur farms (Arctic fox, red fox, American mink, raccoon dog).

Following a sharp decline in HPAIV outbreaks and cases across Europe in August and September, there has been a sharp increase since November. Since November, a considerable number of outbreaks in poultry (n=147) have been reported in Europe. From this period alone, the number of poultry losses across Europe amounts to almost 4 million.

Worldwide, outbreaks in domestic poultry and wild bird cases caused by HPAI H5 continued to be reported to the WOAH in December, particularly in **Asia** and the **Americas**.

Israel: An outbreak in poultry in Haifa at the beginning of December.

Kazakhstan: A mass mortality of Mute swans was reported at Lake Karakol at the end of December, in which HPAIV H5N1 was confirmed.

Southeast Asia: Dozens of outbreaks in domestic poultry and cases in wild birds have been detected in southeast China (Hong Kong), Cambodia, Japan, South Korea and Taiwan.

Antarctic Region: The first cases of HPAI in a number of wild bird species on South Georgia, a group of islands in the South Atlantic of the Antarctic Region, have continued to spread since October; since December there have been suspected cases in Skuas on Heroína Island and the Orcadas Archipelago.

From **South America**, Ecuador, Peru, Colombia and Brazil reported a few outbreaks in domestic poultry and wild bird cases.

North America: A number of outbreaks in poultry and cases in wild birds were reported in the colder regions of North America (USA and Canada) in December:

- **Canada:** 10 outbreaks in domestic poultry, particularly affecting British Columbia and Alberta.
- **USA,** 21 states: 45 outbreaks in domestic poultry, 33 outbreaks in kept poultry (private farms); a total of over 11.5 million animal losses in December. Over 500 wild birds tested positive in December alone, well over half of them hunted ducks (Teal, Mallard, Northern pintail, Shoveller).

Fatal infections with HPAIV H5 in non-human mammals were reported in December: For the first time in a squirrel, an Abert's squirrel (*Sciurus aberti*), which was sampled in Arizona on 26 August, and in a po-

lar bear in northern Alaska, which was found dead in October. In southern Brazil (Rio Grande do Sul), almost 1,000 seals and sea lions died from an HPAIV H5N1 infection.

Despite the high number of outbreaks in poultry worldwide and an assumed multiple contact between humans and infected birds, infections with HPAIV H5 in humans still appear to be very rare events that are closely monitored and documented.

On 18 January 2024, the European Commission published Implementing Decision (EU) 2024/258 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 **Belgium** (in West Flanders province), **Germany** (in Lower Saxony, Mecklenburg-Vorpommern, North Rhine-Westphalia, Saxony-Anhalt and Schleswig-Holstein states), **France** (in Nord and Vendée departments), **Italy** (in Apulia region), **Hungary** (in Békés, Győr-Moson-Sopron, Jász-Nagykun-Szolnok, Komárom-Esztergom and Szabolcs-Szatmár-Bereg counties), **Romania** (in Olt county) and **Poland** (in the Kuyavian–Pomeranian, Lower Silesian, Masovian and West Pomeranian Voivodeships).

In addition, **Lithuania** has notified the Commission of an outbreak of HPAI in an establishment where poultry were kept, located in Marijampolė municipality. Moreover, **Slovakia** has notified the Commission of an outbreak of HPAI in an establishment where poultry were kept, located in Nitra Region. Furthermore, certain outbreaks confirmed by **Belgium** and **France** are located in close proximity to their common border. Accordingly, the competent authorities of those Member States have duly collaborated with regard to the establishment of the necessary protection and surveillance zones, as one of the protection zones and the surveillance zones extend into the territories of France and Belgium, respectively.

The annex to the decision (EU) 2024/258 contains the updated territorial outlines of the protection and surveillance zones as well as the provisional duration of the protective measures.

Implementing Decision (EU) 2024/258, which has now been published, amends Implementing Decision (EU) 2023/2447 accordingly. Implementing Decision (EU) 2024/258 is available at the following link: http://data.europa.eu/eli/dec_impl/2024/258/oj

Amendment to the lists of third countries for imports of poultry commodities from Canada, the United Kingdom and the United States

(03/02) Annexes V and XIV to Implementing Regulation (EU) 2021/404 as regards the entries for Canada, the United Kingdom and the United States in the lists of third countries authorised for the entry into the Union of consignments of poultry, germinal products of poultry, and fresh meat and meat products from poultry and game birds has been amended in relation to highly pathogenic avian influenza (HPAI). The corresponding Implementing Regulation (EU) 2024/359 has been published in the Official Journal L on 18 January 2024.

Canada has notified the Commission of two outbreaks of highly pathogenic avian influenza (HPAI) in poultry in the provinces of Alberta and British Columbia, which were confirmed on 8 December and 13 December 2023.

The **United States** have notified the Commission of 23 outbreaks of HPAI in poultry in the states of California (9), Idaho (1), Kansas (2), Michigan (2), Minnesota (1), Ohio (2), Pennsylvania (1), South Dakota (4) and Washington (1), which were confirmed between 14 and 30 December 2023.

With the implementing regulation that has now been published, the EU Commission has suspended the entry into the Union of consignments of poultry, germinal products of poultry, and fresh meat of poultry and game birds from those areas mentioned in Canada and the United States.

Moreover, the **United Kingdom** has submitted updated information on the epidemiological situation in relation to two outbreaks of HPAI in the counties of Devon and Northumberland, England, which were confirmed on 29 November and 27 November 2023.

Furthermore, the, **United States** have has submitted updated information on the epidemiological situation in relation to 11 outbreaks of HPAI in poultry establishments in the states of Alabama, Georgia, Iowa, Minnesota, Montana and S and South Dakota, which was confirmed between 18 October and 21 November 2023.

The Commission has evaluated the information submitted by the United Kingdom and the United States. The Commission considers that the United Kingdom and the United States have provided appropriate guarantees that the animal health situation that gave rise to the suspensions, no longer represents a threat to animal or public health within the Union, and that, consequently, the entry into the Union of poultry commodities from the concerned zones of the United Kingdom and the United States from which entry into the Union had been suspended, should be reauthorised.

Annexes V and XIV to Implementing Regulation (EU) 2021/404 were amended accordingly to take account of the current epidemiological situation as regards HPAI in Canada, the United Kingdom and the United States. Implementing Regulation (EU) 2024/359 entered into force on 19 January 2024 and is available at the following link: http://data.europa.eu/eli/reg_impl/2024/359/oj

Exports of animals and animal products to the United Kingdom – current status (2 Annexes)

(03/03) In EPEGA Circular No. 34 of 31 August 2023, we last reported on the current state of affairs with regard to the *Border Target Operating Model (BTOM)*. Today the EPEGA-office was informed by the Federal Ministry of Agriculture (BMEL) as follows about the current developments regarding exports to the United Kingdom:

In a letter to the Department for Environment Food & Rural Affairs (DEFRA)'s response to the status of the BTOM (Border Target Operating Model for the United Kingdom), the EU Commission has stated that the British government has confirmed that the first interim target in accordance with the Description in the BTOM will come into force as planned on **31 January 2024**.

From 31 January 2024, traders exporting goods from EU member states to the UK subject to public health regulations (SPS) must note the following:

- An export health certificate (EHC) must still be issued for imports of live animals and breeding material,
- They need an export health certificate (EHC) for medium-risk animal products and for high-risk food and feed that are not of animal origin (HRFNAO).

The person responsible for the load must continue pre-register to allow imports of all live animals, breeding stock, animal products, food and feed of non-animal origin at high risk (HRFNO) into the UK through the Import Products, Animals, Food and Feed Scheme (IPAFFS).

The UK government has also released a range of communications materials to help traders prepare. These materials (information brochures on BTOM for companies) can be found at the following link:

<https://www.gov.uk/government/publications/border-target-operating-model-information-leaflets-for-businesses>

We have attached the information letter from the EU Commission to this circular.

In addition, upon request, the BMEL received information from the EU Commission **that the United Kingdom's new certificates for products of animal origin (POAO) and animal by-products (ABP)**, including translations requested by the member states for each certificate, **will soon be available in-TRACES**. A list of available certificates should be made available to the TRACES contact points of the Member States.

According to the BMEL, many questions remain unanswered regarding the requirement for pre-certificates. In principle, the BMEL is of the opinion that pre-certificates are only necessary if the requirements of the United Kingdom go beyond those of EU law. The following link to the GBR government's "Retained EU Law" dashboard provides an overview of which EU law is currently still valid as

"Retained EU Law" or whether it has undergone certain changes and to which parts of the country it applies: <https://www.gov.uk/government/publications/retained-eu-law-dashboard>

It is not specified what form the pre-certificates should take. The BMEL does not consider it absolutely necessary for the United Kingdom's export certificates to be used in their entirety as pre-certificates. It should be sufficient to have only those provisions pre-certified that are confirmed by the responsible authority of the supplying company due to a lack of knowledge by the certifying officers. The pre-certificates are provided by the economic operators.

In addition, the Department for Environment Food & Rural Affairs (DEFRA) has submitted a **guide** to the Certification Logistics module pilot (CLP) which provides advice on completing veterinary certificates as part of the Accredited Trusted Trader Scheme (ATTS) pilot project (see also <https://www.gov.uk/guidance/accredited-trusted-trader-scheme-pilot>). Traders who use an Export Health Certificate (EHC) for goods from the place of origin should export to the UK without the need for re-certification at a consolidation center (hub) in the EU.

We have also attached the DEFRA guidelines to this circular.

FAO report: Measures for the control of NT Salmonella in poultry meat

(03/04) The International Poultry Council (IPC) informed the EPEGA-office about the meeting report published by the FAO/WHO Joint Expert Meetings on Microbiological Risk Assessment (JEMRA) on the topic "Measures for the control of non-typhoidal Salmonella spp. in poultry meat" which we have attached to this circular. Non-typhoidal Salmonella are gram-negative bacteria that primarily cause gastroenteritis, bacteremia, and focal infections. JEMRA assessed and reviewed the available data on NT Salmonella spp. control in the broiler production chain to determine the extent to which various control measures, good hygiene practices (GHPs) or hazard-based control measures provided adequate evidence for assessing their efficacy and to evaluate the impact or efficacy of control measures relevant to NT-Salmonella spp. in the broiler production chain.

The expert consultation noted that no single control measure was sufficiently effective in reducing either the prevalence or the level of contamination of broilers and poultry meat with NT-Salmonella spp. Instead, it was emphasized that control strategies based on multiple intervention steps would have the greatest impact on controlling NT-Salmonella spp. in the broiler production chain. JEMRA experts assessed primary production, processing and post-processing interventions.

Main findings at primary production level:

- At all levels of farm production, stringent biosecurity measures including sanitation and hygiene are important factors for preventing and controlling NT-Salmonella spp. in flocks.
- It is important for breeding flocks to be NT-Salmonella-free, and this begins at the parent/grandparent flock level and in the production environment.
- Vaccine-based strategies reduce the prevalence and/or level of shedding of NT-Salmonella spp. in flocks but do not eliminate NT-Salmonella spp.
- There was no strong evidence that the use of substances with antimicrobial activity, such as additives in feed and water, resulted in effective control of NT-Salmonella spp. in broilers.
- A promising strategy for NT-Salmonella spp. control was a combination of different competitive exclusion products (e.g. probiotics and prebiotics), but there was a limited number of published studies using naturally contaminated chicks and/or under commercial conditions to allow adequate conclusions to be drawn.
- The efficacy of specific feed- and water-based strategies were study-specific and dependent upon the physiological status of both the pathogen and the animal, the broiler gastrointestinal tract environment, the concentration of the additive, and the method for its application.
- The use of feed modifications, including the acidification of feed and water, are not stand-alone hazard-based control measures for the control of NT-Salmonella spp. in poultry. However, feed-based

strategies, when used in conjunction with good hygiene practices, may further reduce NT-Salmonella spp. in poultry.

- Based on the information available, further studies are needed to assess how extensive scale application of modified feed and management approaches could impact NT-Salmonella spp. levels. Bacteriophage-based approaches for the control of NT-Salmonella spp.
- There is limited information as to the effectiveness of bacteriophage-based control of NT-Salmonella spp. at the farm level. Further research is needed, especially on the long-term efficacy of bacteriophage-based control.

Main findings at processing level:

- Good hygienic practices are important in minimizing the risk of NT-Salmonella spp. contamination during slaughter and processing.
- The effect of processing interventions on NT-Salmonella spp. is influenced by a variety of conditions, including but not limited to the characteristics of the NT-Salmonella strain, pH, agent concentration, temperature, contact time, absorbed dose, product characteristics, and processing parameters.
- There was extensive information on the use of water additives, but the current scientific literature is not sufficient to draw objective conclusions regarding the effectiveness of some of them. However, chlorine-based compounds and organic acids (lactic acid, peracetic acid (PAA), and acidified chlorate solutions) showed potential effectiveness.
- High pressure processing may be effective in reducing NT-Salmonella spp. in poultry meat.
- An extensive body of scientific evidence suggested that ionizing radiation can achieve any level of NT-Salmonella spp. reduction from pasteurization to complete sterility.
- Other interventions or combinations of interventions, including but not limited to novel additives, thermal processes and physical treatments applied to the meat, still require further refinement.

Main findings at post-processing level:

- Control measures applied during processing may extend shelf-life and control the growth of NT-Salmonella spp. at the retail or consumer level; however, the literature in this area is sparse and the application of post-processing interventions needs further examination to assess its feasibility.
- Emphasis should be placed on encouraging a positive food safety culture through human behaviour and consumer education as it applies to transport, storage, handling and cooking practices.

Ukrainian agricultural imports are causing more and more resentment

(03/05) Trade facilitation for agricultural products from Ukraine is causing increasing unrest in the European agricultural sector. Several umbrella organisations, including the EU Committees of Farmers' Associations (COPA) and Rural Cooperatives (COGECA), met with EU Agriculture Commissioner Janusz Wojchciechowski on 10 January and expressed concern about the "unlimited" supplies from Ukraine. If the current tariff moratorium continues unchanged, the associations believe that the economic survival of European farms will be threatened. Producers of cereals, oilseeds, poultry, eggs and sugar are under particular pressure. The industry organisations believe that a European solution is urgently needed, not least to ensure the integrity of the internal market and not to jeopardise support for Ukraine.

Specifically, the EU umbrella organisations are calling for efforts to be stepped up to reopen the Black Sea route so that maritime transport becomes once again the most important export route. This should be accompanied by additional investments in infrastructure and logistics to strengthen the actual function of the solidarity routes, as well as systems to track and trace Ukrainian deliveries. In the view of the associations, improvements also need to be made in the area of import controls. Last but not least, there is also insistence on the reintroduction of import quotas for sensitive products.

Possibility to design reporting obligations; Status of the EU Corporate Due Diligence Directive

(03/07) For months, the German Association of Wholesale, Foreign Trade and Services (BGA), of which EPEGA is a member, has been pushing both nationally and at European level to reduce **reporting obligations**. The Corporate Sustainable Reporting Directive (CSRD), the CO2 Border Adjustment Mechanism (CBAM), the Corporate Sustainability Due Diligence Directive (CDDD) and much more place an undue burden on companies. Now the constant criticism on the part of the BGA is finally having an effect: On the part of the EU Commission, there are concrete considerations to simplify reporting obligations through a so-called Single Digital Gateway. The Single Digital Gateway and the "Your Europe" portal are intended to provide online access to EU information, administrative procedures and support services for citizens and businesses, thereby reducing bureaucracy. To this end, the EU Commission's Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs (DG GROW) has just launched the following survey, which has already been extended, and is aimed in particular at SMEs affected by reporting obligations: https://ec.europa.eu/eusurvey/runner/SDG_Questionnaire_SMEs
The BGA asks all companies from its membership to take part in the survey at the link above. As part of this survey, all affected companies have until 16 February 2024 the opportunity to directly participate in the design of the portal through their feedback.

In addition, the BGA has received further information from the office of shadow rapporteur Axel Voss regarding the agreement on the **Corporate Due Diligence Directive**. Accordingly, the final text is expected at the end of January/beginning of February. The next technical meetings will take place between 18 and 23 January. The vote in the European Parliament and the Council is then expected to take place in April.

Key points:

- The high-risk sectors will most likely be the same as in the Commission's proposal, plus the construction sector.
- The Commission's proposal identifies the following sectors: the manufacture of textiles, leather and related products (including footwear) and the wholesale of textiles, clothing and footwear; agriculture, forestry, fisheries (including aquaculture), food production and wholesale of agricultural raw materials, live animals, timber, food and beverages; extraction of mineral raw materials, regardless of where they are extracted (including crude oil, natural gas, hard coal, lignite, metals and metal ores and all other non-metallic minerals and quarry products), manufacture of metallic raw materials, other non-metallic mineral products and metal products (other than machinery and equipment) and wholesale of mineral raw materials, mineral raw materials and intermediate products (including metals and metal ores, building materials, fuels, chemicals and other intermediates).
- Civil liability will only apply to the direct fault of the company (not the fault of third parties).

Scope:

- 500 employees as a threshold.
- High-risk sectors are the same as in the Commission's proposal, only one addition: the construction sector (for high-risk sectors, the scope already applies to companies with 250 employees and 40 million global net turnover).
- However, the list has not been officially closed, so it is not clear whether high-risk sectors will be reopened, but this is unlikely.
- Corporations/franchise models: Parent companies of large corporations are included.

Chain of activities:

- The definition is the same as the one set by the Council in its negotiating mandate, the only thing that was added was sourcing instead of extraction of resources.
- Sales are also excluded (sales are not included in due diligence obligations, no downstream due diligence on customer relations).

Risk-based approach:

- To paraphrase the EP text, likelihood of occurrence and severity are important.
- Companies can choose the order in which they want to address the risks.
- No need to check companies that also fall within the scope (needs to be confirmed).
- Addition in Article 6 (Identification and assessment of actual and potential adverse impacts): guidance from the Commission to support/safeguard SMEs.
- When identifying risks beyond tier 1, companies should contact the companies at risk directly (and not burden SMEs or other parts of the supply chain).
- Obligation to take measures only where the companies themselves caused the impact, for all other risks identified only obligation of means.

Liability:

- Only in the context of measures referred to in Articles 7 (prevention of potential adverse impacts) and 8 (bringing actual adverse impacts to an end).
- Liability for damages caused by the Company.
- Is mostly the Council's mandate, including the clarifying that a company cannot be held liable if the damage was caused only by its business partners in its chain of activity.
- Includes the right to full compensation if damages occurred and the company is liable, but no over-compensation.
- Access to justice: limitation period of 5 years, NGOs can file lawsuits if mandated, courts can require the disclosure of evidence.

Other:

- The director's duties have been completely abolished.
- Not a single recital has been finalised so far, and the whole of January will be used for technical meetings.
- They are open to suggestions, it is still possible to introduce recitals.
- Review clause has not yet been discussed.
- Guidelines will be put forward to set out standards for independent third-party verification by industry/certification schemes.

Industrial Emissions Directive: EU Environment Committee confirms trilogue result

(03/08) As expected, the EU Environment Committee has given the green light to the trilogue compromise between the Commission, the Council and the European Parliament on the Industrial Emissions Directive (IED). The plenary session of the EP is expected to approve the agreement in the second full week of March. In the vote on 11 January, 64 members of the Environment Committee voted in favour of the amended directive, five against. Seven MEPs abstained. In the legislative process, the main issue was the stronger integration of cattle, pig and poultry farming proposed by the EU Commission. However, the trilogue compromise now provides that cattle farming will continue to be left out. According to reports, this was one of the biggest points of contention in the trilogue negotiations until the very end. However, the EU Commission is to be instructed to carry out a reassessment by the end of 2026 on whether a reduction in emissions from animal husbandry is necessary. Thereby, cattle farming should also be considered. The Brussels authority will also examine the extent to which it would be appropriate to also subject imports from third countries to the requirements of the revised IED.

At the end of 2023, the Council and Parliament agreed on a threshold of 350 LSU for pig farming. Exceptions are to be made for extensive husbandry methods and organic farming. Husbandry systems with a high proportion of free-range are also excluded. In the future, the limits for poultry will be 300 LSU for laying hens and 280 LSU for broilers. For mixed farms with pig and poultry farming, the compromise provides for 380 LSU. The EU Commission had originally proposed to set a limit value of only 150 LSU

for each of the three forms of animal husbandry. It should be noted that there are differences in the LSU calculation keys at EU level and in Germany.

Antitrust fines for French canners in connection with bisphenol A

(03/10) In France, the cartel office has imposed millions in fines against canned food manufacturers, their suppliers and associated industry associations. The prohibited agreements are related to the use of bisphenol A (BPA) in cans. As the competition authority announced on 11 January, the fines totaled around 19.6 million euros. Eleven canning manufacturers are affected, including Bonduelle and Unilever, three canning producers as well as the umbrella organization of the food industry (ANIA) and the associations of canning producers (FIAC), canning producers (SNFBM) and processed food producers (Adepale). According to the authorities, they have agreed not to disclose any information about the use of BPA in their products. This should avoid any competition in sales. According to the competition authorities, the agreements were carried out between October 2010 and July 2015; At that time, there was a transition period for the use of BPA in canned food. The cartel office described the violations as “very serious”. Consumers were deprived of the opportunity to buy canned goods without BPA, even though they were available and the harmful effects of the substance were already known. According to the Federal Institute for Risk Assessment (BfR), has been classified BPA as toxic to reproduction and also has harmful effects on health through its effect on the hormonal system. The substance is considered “of very high concern” under European chemicals law.

Annexes:

- FLI – HPAI risk assessment, status 12 January 2024
- Information letter from the EU Commission regarding BTOM
- DEFRA Guidance: Completing an EHC under the Certification Logistics Pilot
- Report on Measures for the control of non-typhoidal Salmonella spp. in poultry meat

Imprint

Editor: European Poultry, Egg and Game Association (EPEGA),
Am Weidendamm 1A, DE 10117 Berlin

Manager: Christine Amling/Sebastian Werren

Tel.: +49 30 590099-562, E-Mail: info@epega.org, Internet: <http://www.epega.org>

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