EPEGA news

Issue No 41 17 October 2024

Current information on highly pathogenic avian influenza (Annex)

(41/01) On 10 October, the Friedrich-Loeffler-Institute (FLI) published an updated risk assessment on highly pathogenic avian influenza (HPAI), which we have attached to this Newsletter. According to the report, the Friedrich-Loeffler-Institute (FLI) has raised the risk of infection with and the spread of avian influenza for wild waterfowl, poultry farms and kept birds one notch against the background of autumn bird migration and falling temperatures, which promote the stability of the pathogen. Only the assessment of the risk of infection for German cattle herds remains very low.

The World Organization for Animal Health (WOAH) has recently published a situation report on HPAI, covering the period from 24 August to 27 September 2024. This report, whose data are based on reports from the affected countries to the WOAH, provides a comprehensive overview of the global situation of the HPAI. It is available at the following link: hpai-report-63.pdf (woah.org).
The report shows that 13 new HPAI outbreaks were reported worldwide during the five-week observation period. Regions in Asia, Europe and America are affected. In countries such as Bhutan, Israel, Denmark, Germany and the USA, there have been new cases of infection with the H5N1 virus in poultry farms. About 190,000 farm animals died of the disease or had to be culled. None of the affected countries has initiated vaccination measures in response to the outbreaks, according to WOAH. In order to contain the virus and prevent it from spreading to other poultry flocks, the countries continue to rely on biosecurity measures and strict monitoring. The report also notes that the virus continues to spread worldwide. While a total of 84 countries and territories were affected by HPAI in 2022, this number rose to 88 in 2023. According to WOAH, the spread of the virus to new regions, such as Latin America and Antarctica, is particularly worrying. HPAI cases are also increasing in wild birds and mammals. Since 2003, more than 2,500 cases of human infection with various avian influenza viruses have been reported worldwide, mainly with the types H5N1, H7N9, H5N6 and H9N2. In the current reporting period, there were again isolated infections in humans.
An increase in the number of cases is expected with the start of the new HPAI season in October 2024. The WOAH recommends that member countries strengthen surveillance, consistently implement biosecurity and prevention measures on poultry farms and report HPAI cases in a timely manner. Avian influenza should also be considered as a possible diagnosis in mammals at high risk of exposure.

On 11 October 2024, the European Commission published Implementing Decision (EU) 2024/2681 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 outbreak in **Bulgaria** (Plovdiv province), **Czechia** (Plzeňský region), **Germany** (Saxony state), **France** (Finistère department), **Italy** (Veneto region) and **Hungary** (Békés and Jász–Nagykun–Szolnok counties). The annex to the decision (EU) 2024/2681 contains the updated territorial outlines of the protection and surveillance zones as well as the provisional duration of the protective measures.
Implementing Decision (EU) 2024/2681, which has now been published, amends Implementing Decision (EU) 2023/2447 accordingly. Implementing Decision (EU) 2024/2681 is available at the following link: http://data.europa.eu/eli/dec_impl/2024/2681/oj

Veterinarians in Germany prescribed fewer antibiotics in 2023

(41/02) The amount of antibiotics used in veterinary medicine in Germany has also fallen slightly in 2023. As the Federal Office of Consumer Protection and Food Safety (BVL) announced last week, a total of 529 tonnes of antibiotics of the various active substance classes were dispensed to veterinarians and

other recipients such as universities and veterinary authorities. This corresponds to a decrease of 11 tonnes or 2.1% compared to the previous year and represents the lowest figure since recording began in 2011. Compared to this base year, the quantity of antibiotic active substances dispensed fell by 69%. According to the BVL, penicillins and tetracyclines again accounted for the majority of antibiotics dispensed in 2023. With the exception of fluoroquinolones, significantly lower quantities of the antibiotics classified by the World Health Organisation as particularly important for human medicine were used. However, according to the BVL, an exact breakdown by animal species is not possible, as the active substances are authorised for different medicines for different farm animals.
According to the EU Commission's 'Farm-to-Fork' strategy, the use of antibiotics in animal husbandry is to be halved within twelve years by 2030. According to the BVL, Germany has already been able to reduce its use by 27% since 2018.

Regulation for deforestation-free supply chains - Council in favour of postponement

(41/04) As expected, the EU Member States voted on 16 October in favour of a twelve-month postponement of the entry into force of the Regulation on deforestation-free supply chains (EUDR). The ball is now in the European Parliament's court. If MEPs also vote in favour of a later entry into force, the regulation will have to be officially applied on 30 December 2025, rather than on 30 December this year. For micro and small enterprises, the law would then come into force on 30 June 2026.

The postponement will reduce the time pressure on administrations and businesses when preparing to implement the EU Deforestation Regulation. At the beginning of October, the EU Commission justified its proposal for a twelve-month postponement by stating that global players in particular had repeatedly expressed concerns about a hasty start to the EUDR. In addition, the status of preparations within the individual EU states is highly inconsistent. As, according to the Commission, all implementation instruments are technically ready, the additional year could serve as a transitional period to ensure proper and effective implementation. However, the EU authority also emphasised that the postponement should 'in no way jeopardise the objectives or the content of the law'. As things stand, the content of the law is to remain unchanged. Brussels also recently stated that the benchmarking system for assessing the risk of deforestation should be adopted at least six months before the regulation is implemented. As things stand, that would be before July 2025.

If the implementation of the European regulation for deforestation-free supply chains (EUDR) is postponed by one year as planned, the EU Commission will provide all the necessary instruments with sufficient lead time. The Directorate-General for the Environment (DG ENVI) made this clear to the European Parliament's Environment Committee on 14 October. According to DG ENVI, the regulation has already had its first positive effects. In preparation for implementation, various companies and partner countries have already strengthened their traceability systems. The Directorate-General for the Environment refused to accept any criticism of the requirements. It is not a 'bureaucratic monster', the companies simply have to ensure that the origin of their raw materials is known. The due diligence obligations could be satisfied with objective data. For geolocation, 'an iPhone and Google Maps are sufficient.

ECJ ruling on the European organic logo: EU law also applies to third countries

(41/05) The European Court of Justice (ECJ) has issued a far-reaching ruling on the use of the EU organic logo: A food imported from a third country may only use the EU organic logo if it complies with all the requirements of EU law. This also applies if the production regulations of the third country are recognised as equivalent to those of Union law, the judges clarified. It is crucial that the EU regulations are actually complied with.

The case was set in motion by the German company Herbaria, which specialises in the production and marketing of spices, teas, coffee and natural drugstores in organic quality. The manufacturer, based in Upper Bavaria, had labelled a mixed drink of fruit juices and herbal extracts with non-vegetable vitamins and iron gluconate with the EU organic logo. The German authorities ordered the removal of the logo from the packaging, arguing that the drink did not comply with the requirements of the EU regulation on the labelling of organic products. According to the regulation, vitamins and minerals may only be added to processed products with EU organic claims if their use is prescribed by law. This is not the case with the Herbaria mixed drink in question. The manufacturer Herbaria immediately claimed before the Bundesverwaltungsgericht (Federal Administrative Court, Leipzig) that its beverage was treated unequally compared with a comparable product imported from the United States. This also does contain non-vegetable vitamins and minerals but is not subject to such a labelling ban. The USA is recognised as a third country whose production and control regulations are equivalent to those of the EU, Herbaria said. This recognition makes it possible for competing products from the USA to bear the EU organic logo, provided that they comply with the production regulations there - i.e. even if they do not comply with the production regulations under EU law. The Federal Administrative Court then referred the matter to the ECJ regarding the unequal treatment in question.

Audit Report Brazil

(41/06) This report describes the outcome of an audit of Brazil, carried out from 27 May to 14 June 2024 as part of the European Commission's Directorate-General for Health and Food Safety's (DG Sante) planned work programme. The objective of the audit was to evaluate the implementation of official controls on residues of pharmacologically active substances, pesticides and contaminants in animals and animal products, in accordance with the residue control plans for those species/commodities for which Brazil is listed in Annex -I to Commission Implementing Regulation (EU) 2021/405, the reliability of the guarantees offered by Brazil in ensuring that the commodities concerned when exported to the EU do not contain residues of pharmacologically active substances, pesticides and contaminants exceeding EU Maximum Residue Levels/Limits or Maximum Levels and whether Brazil continues to meet the requirements for listing as specified in Article 6 of Delegated Regulation (EU) 2022/2292.

It is concluded that the implementation of the control plans for residues of pharmacologically active substances, pesticides and contaminants and the follow-up of non-compliant results are largely consistent with the principles laid down in EU legislation, underpinning the reliability of the guarantees offered by Brazil in ensuring that food of animal origin exported to the EU complies with EU requirements. Notwithstanding some shortcomings in the validation of analytical methods, and the room for improvement in the operation of the laboratories' internal quality control systems, the competent authority can have confidence in the reliability of the analytical results provided by the laboratory network.
Whilst national legislation on the authorisation of veterinary medicinal products and the prohibition of the use of hormones and beta-agonists for growth promotion purposes in bovine animals is broadly similar to EU legislation, the current arrangements in place to guarantee that cattle, meat from which is destined for the EU market, have never been treated with oestradiol 17β for zootechnical or therapeutic purposes, are ineffective. Consequently, the competent authority cannot guarantee the reliability of operators' sworn statements on non-use of oestradiol 17β in cattle and the Ministry of Agriculture, Livestock and Supply (MAPA) is not in a position to reliably attest to operator compliance with the corresponding section in the model EU health certificate for bovine meat exports to the EU, questioning the country's continued listing for bovine animals in Annex -I to Implementing Regulation (EU) 2021/405.

The report contains two recommendations addressed to the Brazilian authorities. It is available at the following link: https://ec.europa.eu/food/audits-analysis/audit-report/details/4804

Annex:
- FLI - Risk assessment HPAI, 10 October 2024

Imprint
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