

## **Proof of origin Brazil and Ukraine emergency brake - Report of the Trade Mechanisms Committee (2 Annexes)**

(43/01) At the most recent meeting of the Horizontal Committee on Trade Mechanisms, which took place on 23 October, the EU Commission discussed the changes made on the basis of the comments of the Member States in the context of the electronic proof of origin for imports of poultry meat from Brazil. The EU Commission has submitted a corresponding draft to amend Implementing Regulation (EU) 761/2020, which we have attached for your information.

According to this, the planned changes are to affect the import quotas with the numbers 09.4211, 09.4214, 09.4217, 09.4251, 09.4252, 09.4253, 09.4410 and 09.4420.

To date, the following applies to these quotas for the proof of origin for release for free circulation in accordance with Annex XII to Implementing Regulation (EU) 761/2020: "*Yes, in accordance with Articles 57, 58 and 59 of Regulation (EU) 2015/244 and Article 15a of this Regulation*". The draft regulation provides that proof of origin can also be provided via the veterinary certificate in the future. The draft Annex XII reads as follows: "*Yes, in accordance with Articles 57, 58 and 59 of Regulation (EU) 2015/244 and Article 15a of this Regulation or using the POU certificate referred to in Chapter 13 of Annex III to Regulation (EU) 2020/2235*".

In addition, during the meeting, the EU Commission made a presentation on the safeguard measures under Regulation (EU) 2024/1392 on temporary trade liberalisation measures to complement trade concessions for **Ukrainian** products, which we have also attached for your information. According to this, automatic protection for poultry has not yet been activated.

If the trigger is reached, the reintroduction of tariff quotas of the Free Trade Agreement for the quotas No. 09.4273 and 09.4274 (administration with licenses) and the immediate suspension of the current procedure will apply for 2024 and 2025 (1 .01 – 5.06). In its presentation, the Commission then sets out possible main blocks of scenarios for 2025 when the trigger for the emergency brake is reached at different points in time. Please refer to the attached documents for further details.

## **Current information on highly pathogenic avian influenza**

(43/02) ) In the **USA**, bird flu continues to spread among dairy cows. Since the first detections in March of this year, cases have been registered in 339 farms in 14 states by the end of last week, according to the US Department of Agriculture USDA. "The spread has not been brought to a standstill," said the Vice President of the Friedrich Loeffler Institute (FLI), Martin Beer. "And unfortunately, I can't see at the moment that measures are being taken that would quickly stop what is happening now." For example, there is a lack of comprehensive monitoring. There are about 25,000 dairy farms in the USA, probably only a fraction were examined. In the US state of Colorado, where nationwide investigations are being carried out, about 60 of almost 300 farms are affected. According to Beer, testing to ensure that transport between companies is virus-free must be carried out more thoroughly. Measures must be taken on the affected farms, such as segregating or even killing animals. From a purely control perspective, too little is still being done in the USA.

The fact that the H5N1 pathogen, which originates from animal species and can also infect humans, continues to spread worries the expert. According to the Health authority CDC, 34 cases have been registered in humans in the USA so far - almost exclusively among employees of dairy and poultry farms and with mild courses. Fortunately, there are no signs so far that the virus is rapidly adapting to cattle or humans, Beer said. In Germany - also because of the experience with BSE - one would deal with such a situation completely differently, the expert stressed. Just recently, a study published by Beer and others in the sci-

entific journal "Nature" revealed that the virus is primarily transmitted via the milk and probably primarily via the milking equipment. The animals therefore become infected via the udder. The FLI estimates the risk of the virus variant circulating in the USA entering German dairy farms as very low.

Bird flu has spread worldwide in recent years to an unprecedented extent. Australia is the only continent to have been spared so far. Last year, the H5N1 virus also reached Antarctica, where countless penguins live, but also potentially endangered marine mammals.

The U.S. Department of Agriculture (USDA) and Oregon state veterinary officials are investigating positive cases of H5N1 in a backyard farming operation in Oregon that has a mix of poultry and livestock, including swine. The Oregon Department of Agriculture announced on October 25, that poultry on this farm represented the first H5N1 detection in Crook County, Oregon. On October 29, the USDA National Veterinary Services Laboratories also confirmed one of the farm's five pigs to be infected with H5N1, marking the first detection of H5N1 in swine in the United States.

The livestock and poultry on this farm shared water sources, housing and equipment; in other states, this combination has enabled transmission between species. Although the swine did not display signs of illness, the Oregon Department of Health and USDA tested the five swine for H5N1 out of an abundance of caution and because of the presence of H5N1 in other animals on the premises. The swine were euthanized to facilitate additional diagnostic analysis. Test results were negative for two of the pigs, and test results are still pending for two others. This farm is a non-commercial operation, and the animals were not intended for the commercial food supply. There is no concern about the safety of the nation's pork supply as a result of this finding.

### **Amendment to the lists of third countries for imports of poultry commodities from the United States**

(43/03) Annexes V and XIV to Implementing Regulation (EU) 2021/404 as regards the entries for 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 again in relation to highly pathogenic avian influenza (HPAI). The corresponding Implementing Regulation (EU) 2024/2817 has been published in the Official Journal L on 31 October 2024.

The **United States** have notified the Commission of three outbreaks of HPAI in poultry in the states of California, Utah and Washington, which were confirmed on 15 October and 16 October 2024. 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 this area mentioned in the United States.

In addition, the United States have submitted updated information on the epidemiological situation in relation to 11 outbreaks of HPAI in poultry in the states of Colorado (2), Florida (2), Idaho (2) and Minnesota (5), which were confirmed between 10 May 2024 and 20 August 2024. The Commission has assessed the information submitted by the United States and considers that it has provided adequate guarantees that the animal health situation which led to the suspension of entry into the Union of consignments of certain products from the affected zone of that third country in accordance with Annexes V and XIV to Implementing Regulation (EU) 2021/404 no longer poses a risk to public or animal health in the Union and that, consequently, entry into the Union of those consignments from the affected zones of the United States from which entry into the Union had been suspended should be allowed again.

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 the United States. Implementing Regulation (EU) 2024/2817 entered into force on 1 November 2024 and is available at the following link: [http://data.europa.eu/eli/reg\\_impl/2024/2817/oj](http://data.europa.eu/eli/reg_impl/2024/2817/oj)

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

(43/04) On 31 October, Implementing Regulation (EU) 2024/2825 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 have been new outbreaks of African swine fever in wild porcine animals in **Poland** and **Slovakia** and in kept porcine animals in **Italy** and **Latvia**. In addition, the epidemiological situation in kept and wild porcine animals has improved in certain areas of Latvia, Lithuania and Poland.

Implementing Regulation (EU) 2024/2825 is available at the following link:

[http://data.europa.eu/eli/reg\\_impl/2024/2825/oj](http://data.europa.eu/eli/reg_impl/2024/2825/oj)

### **Amendment to maximum residue levels for plant protection products published**

(43/06) On 10 October 2024, Regulation (EU) 2024/2640 amending and correcting Annex II to Regulation (EC) No 396/2005 as regards maximum residue levels of 1,4-dimethylnaphthalene, difluoroacetic acid (DFA), fluopyram and flupyradifurone in or on certain products was published in the Official Journal of the EU. In the case of 1,4-dimethylnaphthalene, there are both increases and decreases in maximum residue levels in animal foods. The reductions affect mammalian products (incl. milk), the increases poultry products (incl. eggs).

Regulation (EU) 2024/2640 will enter into force on 30 October 2024 and will apply from 30 April 2025.

For goods that were lawfully placed on the EU market before the new maximum residue levels came into force, but do not comply with the new maximum residue levels, use options were granted.

The regulation is available at the following link: <http://data.europa.eu/eli/reg/2024/2640/oj>

### **France remains critical of Mercosur agreement**

(43/07) According to Paris, the conditions set by France for the conclusion of the free trade agreement between the EU and the South American Mercosur states have still not been met. According to media reports, French Foreign Trade Representative Sophie Primas made this clear during her visit to Brazil. As is well known, the free trade agreement with the Confederation of Argentina, Bolivia, Brazil, Paraguay and Uruguay has been subject of debate for decades. Actually, it has been fully negotiated for years, but ratification is still missing. It is particularly rejected by French farmers. Politically, both the left-wing and right-wing populist opposition in the country are firmly against it.

French President Emmanuel Macron also repeatedly cites environmental concerns, especially with regard to the deforestation of the Amazon rainforest. "We demand substantial compliance with the Paris Climate Agreement, mirror clauses and the protection of the interests of European industry and farmers," Macron said last week at the EU summit in Brussels. The Mercosur agreement is thus also a central point of contention in German-French relations. The German government and the German economy have been vehemently campaigning for the agreement for years. Last week in Brussels, Chancellor Olaf Scholz (SPD) pleaded for "more trade agreements so that Europe can play its role".

### **Annexes:**

- Draft to amend Implementing Regulation (EU) 761/2020 – proof of origin Brazil
- Presentation of the EU Commission – ATM Ukraine

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