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EUROPEAN UNION REVIEW OF LEGISLATION ON VETERINARY MEDICINAL PRODUCTS – SPECIFIC TRADE CONCERN 446

SUBMISSION BY THE UNITED STATES OF AMERICA

The following submission, received on 26 March 2024, is the statement made by the United States of America at the 20-22 March 2024 WTO SPS Committee, and is being circulated at the request of the Delegation of the United States of America.

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1. This is the fourteenth time the United States has raised its concerns in this Committee on the implementation of Article 118 of EU regulation 2019/6.

2. The United States continues to stress that the EU regulation will unnecessarily limit access to animal production practices that are necessary and appropriate for farmers and producers within their own countries and that pose no food safety risks.

3. The United States requests that the European Union consider alternative regulatory approaches by third country systems that achieve the EU level of protection. Members require flexibility in how they use veterinary medicines. Unilateral restriction by the European Union on the use of specific production practices in other countries unnecessarily hinders the ability of producers in those countries to raise animals in the most efficient and sustainable manner for their local conditions and will unnecessarily restrict trade of safe agricultural products.

4. The United States again requests scientific evidence that demonstrates that this EU measure will significantly and effectively reduce the occurrence of foodborne antimicrobial resistance.

5. The World Health Organization and Codex Alimentarius differentiate between medically important and non-medically important antimicrobials. This is an important differentiation as non-medically important antimicrobials have been deemed safe for use as growth promoters. Growth promoters safely and efficiently increase yield; through their use, feed and other inputs may be optimized so that animals reach market weight more quickly, which can result in production systems that are more environmentally and economically sustainable than other approaches.

6. The United States understands that the European Union has announced an implementation date in September 2026, which would only provide a 24-month transition period. Such a short transition period would be impractical for the implementation of these measures, as it does not take into consideration the lifespan of different animal species or the shelf and storage life of products already in the supply chain.

7. Additionally, in previous written guidance provided to the United States, the European Union has stated that "conditions for entry into the Union of consignments of animals or products shall only apply as from 24 months after the date of application of those implementing Regulations".

8. However, on 6 March of this year, the European Union stated that only products derived from animals that have not been treated with either antimicrobials on the restricted list or with antimicrobials to promote growth during their lifetime can be exported to the European Union.

9. The United States respectfully requests once again that the European Union ensure this legislation is forward looking. These regulations should not affect animals, or their products,

that were treated with an antimicrobial listed in Article 118 of Regulation (EU) 2019/6 prior to its entry into force, including animal products already produced but in storage prior to implementation.

10. Logically, any approach that is retroactive instead of forward looking could appear to lack justification, and could therefore be construed by Members as an arbitrary barrier to trade.

11. As we continue to move forward, we expect the European Union to meaningfully engage with Members through bilateral consultations to mitigate any potential trade disruptions. The United States remains available to further discuss implementation of Article 118.