Australian Dairy Farmers Limited
Level 3, HWT Building
40 City Road
SOUTHBANK VIC 3006

Tel: +61 3 8621 4200
Fax: +61 3 8621 4280

www.australiandairyfarmers.com.au
ABN 76 060 549 653

8 August 2024

Dr Anna Somerville
Assistant Secretary
Export Standards Branch
Exports and Veterinary Services Division
Department of Agriculture, Fisheries and Forestry
CANBERRA ACT 2600

By email: Anna.Somerville@aff.gov.au

Dear Dr Somerville

RE: Australian response to EU and UK antimicrobial controls applicable to third countries

Thank you for your letter of 18 June 2024 in which you set out the details to be considered regarding the above topic.

As the national representative body for dairy farmers across the six dairying States, Australian Dairy Farmers' (ADF) response has been developed following widespread consultation across the sector and discussions with your Department and with peak industry bodies representing other affected sectors.

ADF strongly supports initiatives designed to reduce the potential impact of antimicrobial resistance among the human and animal populations of the world. ADF believes the dairy sector is a responsible user of antimicrobials and deliberately avoids administering compounds of importance to human health, except where they are essential for therapeutic treatments by veterinarians. This commitment to antimicrobial stewardship is documented within the *Australian Dairy Sustainability Framework* such that the dairy industry uses antibiotics responsibly, as little as possible, as much as necessary, to protect the health and welfare of the animals in its care. The industry, via its research and development corporation, Dairy Australia, continues to invest heavily in initiatives to support farmers and dairy cattle veterinarians in implementing sound antimicrobial stewardship practices.

Regarding the European Commission's regulation 2019/6 on antimicrobial labelling, and subsequent delegated regulations (particularly (EU) 2023/905[1] that "prohibits the use of certain antimicrobial medicinal products in animals or products of animal origin exported from third countries into the Union"), ADF has considered the options you've presented in your letter and on which you seek advice as to each affected livestock sector's preferred response.

[1] http://data.europa.eu/eli/reg_del/2023/905/oj

In this context, ADF notes from your letter:

> *The EC require that:*
> - *Australia confirms that antimicrobial medicinal products are not authorised for the purpose of promoting growth or increasing yield in food-producing animals,*
> - *OR Australia creates a segregated system for each commodity to ensure that products from treated animals are not exported to the EU.*

There has been some delay for industry in its consideration of this matter because of confusion around whether ionophores are covered by EC2019/6. ADF thanks DAFF for eliciting a definitive answer from the EU, which you attached to your letter. Clearly, ionophores appear to be included within EC2019/6 and it is DAFF's understanding that the EU considers them antimicrobial medicinal products for the purposes of the regulation.

To reiterate the options and related comments contained in your letter:

1. *NO ACTION: If no action is taken, Australia will be unable to comply with the EU requirements for the commodity. Access to the EU market for affected commodity/s will be lost.*
2. *SEGREGATED SYSTEM: Confirm the ability of the industry to set up a segregated production system. Note that both the EU and the UK have adopted Regulation 2019/6.*
3. *INFORM APVMA OF TRADE RISK: Provide formal advice to the APVMA on the identified risks to trade and request an expedited review of affected label claims based on risk to trade.*
    a. *Advise the APVMA that all growth promotion claims, yield increase, increased weight gains and feed efficiency claims present an unmanageable risk to trade.*
    b. *Option 3a as outlined above BUT provide your support to retain certain claims where there may be a degree of uncertainty [e.g.,] "reproductive efficiency", "increased milk production", "feed efficiency" or "improved feed conversion". …Strong justification would be required if you wish to retain these uses as part of Option 3. Note that there is a risk that the EC may disagree and find that, for example, "feed efficiency" and "improved feed conversion" are NOT permitted uses. The EC may impose trade restrictions or refuse to list Australia as being suitable to export edible animal products until such a situation is resolved.*

Of the options presented, ADF prefers 3(a), for the following reasons:

1. Option 1 is untenable. Although the EU market for Australian dairy products is currently relatively small, EU regulations often have a significant influence on the importing requirements of Australia's key trading partners in Greater China, Singapore, Japan,

Malaysia and Indonesia. Ensuring compliance with EU trade-related directives should therefore be viewed in this broader context.

2. Option 2 is unachievable for the dairy sector. Aggregation of milk across farms for transportation and processing makes it near impossible – certainly in the short term – to devise a workable system for segregating milk based on use or non-use of antimicrobials with non-compliant labels.
3. Option 3(a) – ADF's preferred option – offers ongoing access for Australian dairy products to the EU market, provided steps can be taken for DAFF to have sufficient confidence for certifying product as being compliant with EU requirements.
4. Option 3(b) appears to ADF as having too high a risk of EU rejection, leading to inevitable market disruption until a more acceptable system (like under Option 3(a)) can be installed. This concern is underpinned by text in the delegated regulation EU2023/905: "The use of antimicrobial medicinal products to promote growth **or to increase yield** [emphasis added] is neither prudent nor responsible" [Cl. 2]

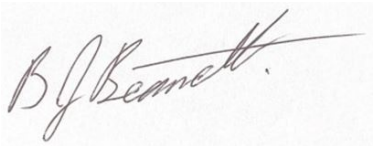
While offering its preference as Option 3(a), ADF still has a significant concern: If, as you have stated in your letter, "**these prohibitions are for the life of the animal**, so measures need to be put into place soon to guarantee continued access after September 2026", what is to be done with 'pipeline product'?

Put another way, treated dairy cows currently in production may still be producing milk for processing and export at the time of the prohibition, making it difficult for DAFF to certify the product coming from animals *never treated in their lifetime* with antimicrobials (including ionophores) that have non-compliant labels.

ADF's acceptance of Option 3(a) is contingent on this potential problem being resolved as a matter of urgency.

ADF is comfortable for you to copy this letter to APVMA as evidence of the dairy sector's support for urgent changes to relevant labels to prevent an inevitable breakdown in trade with the EU should no changes be made.

Yours sincerely



Ben Bennett
President