

Brussels, 22 January 2026
(OR. en)

5625/26

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NOTE

From: General Secretariat of the Council
To: Delegations

Subject: AOB item for the meeting of the "Agriculture and Fisheries" Council of 26 January 2026:
Actions necessary for protection of sensitive agricultural sectors in the context of trade agreements with third countries
- Information from Poland, on behalf of Austria, Hungary, Poland and Slovakia

In the context of free trade agreements, both those currently being negotiated and those whose negotiations have already been concluded, **Austria, Hungary, Poland and Slovakia** would like to emphasize the issues that are in our opinion crucial and which have not been fully addressed in the recently concluded agreements which are very important for the agricultural sector, i.e. those with Mercosur and Ukraine.

1. Bilateral safeguard clauses compatible with the particular characteristics and needs specific to the agricultural sector

In our opinion, bilateral safeguard clauses adapted to the particular characteristics and needs of the agricultural sector and allowing for the temporary withdrawal of preferences in the event of threats to EU production caused by excessive imports, should generally be included in every Free Trade Agreement (FTA). Bilateral safeguard clauses should:

- apply indefinitely, not only during a transitional period,
- be adapted to the particular characteristics and needs of the agricultural sector. This means they should ensure the possibility of a rapid response in the event of threats and take into account the fragmentation of agricultural production, its seasonal nature, the family nature of many farms, etc.,
- provide for the possibility of responding to threats at regional level.

The provisions on safeguard mechanisms in the recently negotiated agreement with Mercosur and agreement with Ukraine, based on Article 29 of the Association Agreement, contain some important mechanisms but they do not fully meet the above mentioned criteria. The agreement with Ukraine concerns only newly granted preferences and does not cover preferences granted earlier. Therefore, it does not apply to the majority of agricultural goods, for which there are no bilateral safeguard mechanisms in place. The provisions concerning the bilateral safeguard clause in the agreement with Mercosur are only of transitional nature, i.e. they expire 12 years after the agreement enters into force. Despite the regulation proposed by EC, the procedure for proving injury necessary for the introduction of definitive safeguard measures is not adapted to the agricultural sector. Nor does it allow for an adequate response to regional threats.

2. Adapting the import requirements for products from third countries to the EU production standards

In order to level the playing field in a situation of far-reaching trade liberalisation under FTAs, it is necessary to apply uniform requirements to EU and imported goods. This applies not only to food safety requirements, including use of pesticide and antibiotics, but also to sustainable development requirements relating to animal welfare, climate and environmental protection, and labour standards. The provisions of the agreements with Ukraine and Mercosur only partially address this problem. It is also essential to develop effective mechanisms for verifying and enforcing the commitments arising from the agreements.

In light of the above we are looking forward to conclusion as soon as possible of the analytical work conducted at present by the Commission and to presentation by the Commission of legislative proposals for alignment of imported products to EU production standards in the area of animal welfare and pesticide residues. We are of the opinion that until such regulations are implemented the EU should abstain from any decisions liberalising tariffs in import of agricultural products from third countries.

3. Analyses of the cumulative impact of trade concessions on the agricultural sectors of the EU and its Member States

We believe that the first step in such analyses should be to summarise all preferences already granted and planned, including agreements with Ukraine and Mercosur, in sensitive agricultural sectors such as sugar, meat, cereals, fruit and vegetables, and dairy products. We maintain our view that without a full picture of the concessions granted, it will be difficult to comprehensively assess their impact on EU production, its profitability and prospects.

4. Establishment of a fund for compensation of possible losses incurred by the agricultural sector arising from entry into force of FTAs

We maintain the opinion that in the context of trade agreements with major global exporters of agricultural goods like Mercosur and Ukraine it is necessary to establish a special fund for compensation of possible losses incurred by the agricultural sector as a result of entry into force of FTAs

Fundamentally the agricultural sector should not be treated as a „payer” for concessions in other sectors of the economy, which, as we see it, has been the case in a number of negotiations, most recently, for example, in the agreement with Mercosur or the agreement with the USA.