

MEXICO'S IMPORT PROHIBITION OF THAI MILLED RICE

Statement by Thailand at the meeting of 11-12 November 1998

1. It is not our nature to keep raising the issue of the Mexican import prohibition of Thai milled rice before the Committee on Sanitary and Phytosanitary Measures. As you all know, this issue has been on the agenda for the past four meetings and it has not yet been resolved.
2. Please allow me to report on our consultations to the Committee and I will concentrate my comments under two headings.
3. First, on the format of bilateral consultations between Thailand and Mexico, Thailand formally proposed to the Mexican delegation to hold the consultations prior to the meeting of this Committee with the participation of the current Chairman of the Committee, as we understand is possible in accordance with Article 12.2 of the SPS Agreement. The Mexican delegation kindly accepted our proposal but without the participation of the Chairman. I am certain that Mexico is in the best position to provide an explanation to the Committee. Thailand sees the merit of having the Chairman participate in the consultations if progress has not been reached in bilateral consultations. Other alternatives for future bilateral consultations could be considered, namely, the involvement of a neutral or independent expert. Thailand would welcome any alternative in the spirit of transparency if Mexico wished to suggest the format for future consultations.
4. My second comment is on the substance of the issue. I will be brief. On November 1993, the Mexican authorities proclaimed that Thai rice was infected with Kernel smut caused by the fungus *Tilletia barclayana*. Thailand has provided scientific data indicating that, not only Mexico but also other countries that export rice into Mexico, fall under the group of countries infected by such fungus. So far Mexico has never provided scientific data that show the risk of disease transmission from Thai milled rice. The Mexican delegation may additionally wish to look at the last paragraph of the document G/SPS/GEN/82. We would like to stress that the measure imposed by Mexico is inconsistent with the principle of "non-discrimination" set out in Article 2.3 of the SPS Agreement and Articles I and III of GATT 1994.
5. On 10 November 1998, when Thailand and Mexico held consultations, my colleague from Mexico insisted that Thailand had not yet provided the information on a new pest, as requested in a letter dated November 1997. It is true that Thailand did not provide the requested information on the new pest due to several reasons:
 - (a) While the initial problem concerning fungus that caused the Mexican Government to prohibit the importation of rice from Thailand has not yet been resolved, Mexico has also made a request for additional information on a new pest. We feel that there is not enough justification to provide the requested information on the new pest to

Mexico since there is no linkage between the new pest and the import prohibition of Thai milled rice.

- (b) According to the Mexican notification G/SPS/N/MEX/55, the new pest identified in the letter is not listed in the Mexican Standard Establishing External Quarantine to Prevent the Introduction of Rice Pests into Mexico. We do not know the real reason for requesting information on the new pest.
- (c) We are of the view that Mexico could continue to request more information on one pest after another.

6. At this stage, we do not understand clearly the way the Mexican Government has identified the problem underlying the application of the import prohibition on Thai milled rice.

7. In view of that good relationship that exists between our two countries, Thailand will continue to further consult with Mexico in the new format of consultations on this issue. We urge the Mexican delegation to kindly convey our message to the authorities in Mexico. This problem is vital for the interests of Thailand.

8. Lastly, we would like to thank those who informally and formally share the disappointment of our delegation with the outcome of these bilateral consultations.
