

**MEASURES APPLIED BY MEXICO
TO IMPORTS OF BOVINE MEAT**

Statement by Nicaragua at the Meeting Held on
20 and 21 October 2010

The following communication, received on 26 October 2010, is being circulated at the request of the delegation of Nicaragua.

1. Since the entry into force of the Free Trade Agreement between Nicaragua and Mexico on 1 July 1998, live cattle and bovine meat and offal have been one of Nicaragua's leading exports to Mexico. Following Mexico's recognition by the World Organisation for Animal Health (OIE) as a controlled risk country for bovine spongiform encephalopathy (BSE), Mexico has been impeding bovine meat imports from Nicaragua since May 2010. It should be pointed out that so far Nicaragua has been exporting bovine meat to countries with the same BSE status as Mexico.

2. On the one hand, pursuant to the provisions on transparency in the WTO Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement), Mexico has asked Nicaragua to inform it of what has been done with a view to Nicaragua being declared a controlled BSE-risk country. In compliance with these transparency obligations, the Nicaraguan authorities concerned have supplied the data at their disposal, since they are in the process of gathering information for submission to the OIE and subsequent transmission to Mexico. In spite of this, Mexico is making the entry of bovine meat from Nicaragua contingent upon presentation of the full data.

3. On the other hand, Mexico has not respected the period of certification of Nicaragua's industrial plants, issued by the National Agriculture and Food Health, Safety and Quality Service (SENASICA) for boneless bovine meat, entrails and offal for the period 1 September 2008 to 1 September 2010, because SENASICA announced, via its electronic portal for the publication of animal health requirements, that expiry of the certification of these industrial plants had been brought forward from September 2010 to May 2010. Moreover, Mexico has kept the same animal health requirements sheet for imports of bovine meat and offal, thus compelling Nicaragua to obtain controlled BSE risk status in order to export boneless bovine meat to Mexico.

4. In view of this problem, the relevant authorities in the Ministries of Agriculture and the Economy of the two countries held a videoconference on 13 October 2010 to discuss the information Nicaragua has yet to submit and hear Mexico's scientific justification for making exports of boneless bovine meat contingent upon submission of the requisite BSE-related information, even though the OIE establishes different requirements, as detailed below:

- (a) Mexico does not recognize the OIE Terrestrial Animal Health Code's recommendation in point 1 of Article 11.5.1 that the veterinary authorities of the

importing country should not require any BSE-related conditions, regardless of the risk status of the cattle population of the exporting country, when authorizing import of commodities including bovine meat, for which specific conditions are laid down under (g) as concerns deboned skeletal muscle meat, stunning, and preparation of carcasses. It should be noted that all these recommendations were subject to verification and certification by the Mexican inspectors when they visited the industrial plants in July 2008.

- (b) Likewise, Article 11.5.12 exempts "fresh meat and meat products from cattle" (those listed in point 1 of Article 11.5.1) from additional BSE-related requirements, in accordance with the recommendations for the importation of meat and meat products from countries posing an undetermined BSE risk.

Specific questions

5. In accordance with Article 5.8 of the WTO SPS Agreement, Nicaragua has the following questions for Mexico:

- (a) Why and on what scientific grounds do the competent Mexican authorities not recognize the provisions of Articles 11.5.1 and 11.5.12 of the OIE Terrestrial Animal Health Code?
- (b) Have they advised either the OIE or this Committee of the establishment of a more stringent sanitary measure than that based on the OIE's BSE-related recommendations for trade in bovine meat?
- (c) Treatment in respect of BSE being very different for bovine meat and for offal, could Mexico explain why it includes these two products in its animal health requirements sheet?
- (d) Would Mexico please specify from which countries it imports bovine meat and what is the BSE-risk status of these countries?

Conclusions

6. In view of the foregoing, we regard the measures applied by Mexico as unnecessary obstacles to trade, inconsistent with the relevant provisions of the OIE and the WTO SPS Agreement, and a disguised restriction on international trade.

7. Since boneless bovine meat from Nicaragua meets the specific conditions of the OIE, it is exempt from the additional BSE-related requirements, and Nicaragua accordingly requests that Mexico should immediately allow imports of this product.
