

**RESTRICTIONS ON THE IMPORT OF HARD CHEESES  
INTO AUSTRALIA AND NEW ZEALAND**

Statement by Switzerland at the meeting  
of 10-11 March 1999

1. By mid 1997, Australia introduced measures prohibiting the import of Swiss hard and semi-hard cheeses made from raw milk. Reasons forwarded by Australia for this prohibition are allegedly animal and human health concerns. The world wide trade of these reknowned Swiss products shows that these questionable concerns are unique to Australia and New Zealand.
2. Despite good progress with officials of the quarantine services, the overall situation remains unchanged, e.g. the import prohibition is still in place due to internal procedures.
3. For decades, Swiss hard and semi-hard cheeses made from raw milk have been exported to Australia, as they are exported to over 100 countries all over the world, without any problems or complaints from Australian authorities. In 1994, Australia enacted a new Food Standards Code requiring imported cheeses to be made with thermised or pasteurised milk. The Code also states that milk for cheese production can be treated "at a temperature and for a period equivalent thereto [i.e. pasteurisation] in phosphatase destruction" (Standard H9). With regard to these new regulations, Switzerland submitted comprehensive documentation in 1994 concerning the processing of Swiss cheese. The purpose of the submission was to prove that Swiss production methods, including the long maturation period, comply with the equivalence requirement of the Food Standards Code.
4. In August 1994, the National Food Authority (NFA) communicated to Switzerland that the "processing conditions of the cheeses have been assessed and found to be satisfactory with respect to the public health and safety requirements listed in the Australian Food Standards Code". At the same time, the NFA informed the Australian Quarantine and Inspection Service (AQIS) that "these cheeses do not represent a risk to public health and safety by virtue of the heat treatment given to the milk and the long maturation period". Based on this assessment, imports of Swiss cheese continued and have never given cause to any complaint from AQIS or any other party.
5. In mid-1997, all of a sudden and without prior notice to the Swiss authorities, AQIS decided to stop imports of traditional Swiss cheeses arguing that they do not comply with Australian standards. This sudden deviation from its own assessment without any new scientific evidence violates good commercial practices, trust-based commercial relations and WTO rules. The complete stop on imports since the fall of 1997 has created and is creating substantial direct and indirect damage to the Swiss economy.
6. On 24 March 1999, a year will have elapsed since Switzerland made a formal application to amend the Australian Food Standards Code. To date, we have been told repeatedly by AQIS that the case is well under way, leading to a readmission of Swiss cheese imports in the very next future. However, we were told that this was always delayed by ANZFA. At the same time, in 1998 an immediate readmission of the imports was requested, based on the equivalence provisions of the Food

Standards Code and the Australian approval of the substantial documentation on the processing of Swiss cheeses submitted in 1994. But to date the import prohibition has not been abolished nor has Australia agreed to adopt transitional regulations for temporary admission until the Food Standards Code has been changed.

7. We therefore ask Australia to inform us about the stage of the internal procedures and about the time still needed to complete these procedures. Switzerland reiterates its request for an immediate readmission of imports of Swiss cheeses on the basis of the equivalence provisions of the Food Standards Code and urges Australia to bring its import regime shortly into conformity with its SPS obligations.

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