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Committee on Sanitary and Phytosanitary Measures

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**MAXIMUM RESIDUE LIMITS FOR CERTAIN AGRICULTURAL
PESTICIDES APPLIED TO SESAME BY JAPAN**

COMMUNICATION FROM PARAGUAY

The following communication, dated 3 October 2013, is being circulated at the request of the delegation of Paraguay.

1. Paraguay once again wishes to raise before the Committee on Sanitary and Phytosanitary Measures its trade concern regarding Japan's application of restrictive maximum residue limits (MRLs) to sesame, and the effects of those limits on trade. The delegation of Paraguay expressed its concern in this regard during the SPS Committee meetings held in June 2011 and March 2013 (documents G/SPS/GEN/1091 and G/SPS/GEN/1220).

2. On both occasions, we affirmed that setting "uniform limits" was inconsistent with the WTO Agreement on the Application of Sanitary and Phytosanitary Measures, in the sense that the measure should be based on scientific principles and not be maintained without sufficient scientific evidence (Article 2 – "Basic Rights and Obligations").

3. Imidacloprid and carbaryl are not included in the MRL table for sesame drawn up by the Japan Food Chemical Research Foundation. It is Paraguay's understanding that according to Japanese regulations, the uniform tolerance limit for pesticides that are not listed in the table is 0.01 mg/kg.

4. Japan's limits for the same active ingredients (imidacloprid and carbaryl) are much higher for its imports of oil seed products such as sunflower seed (0.02 and 0.2 mg/kg), safflower seed (0.05 mg/kg), cotton seed (3 and 1 mg/kg), rape seed (0.05 and 0.1 mg/kg) and other oil seeds (2 and 5 mg/kg).

5. Paraguay believes that the limits established by Japan are inconsistent with the concept of "appropriate level of protection", as certain distinctions are made that could be considered arbitrary in different situations, such as higher limits for routinely consumed products such as rice (1 ppm for carbaryl and 0.2 ppm for imidacloprid) and some vegetables including spinach (1 ppm for carbaryl and 5 ppm for imidacloprid), in relation to sesame.

6. To date, the Codex Alimentarius has not established MRLs for sesame, but has established MRLs for imidacloprid in food products consumed by humans, such as cucumbers, pears, peppers, citrus fruit and grapes (1 mg/kg); peas (pods and succulent = immature seeds) (5 mg/kg); dried peas, shelled peas (succulent seeds) (2 mg/kg); almond hulls (5 mg/kg); beans (except broad beans and soya beans) (2 mg/kg); peanuts (1 mg/kg); sunflower seed (0.05 mg/kg); and rape seed (0.05 mg/kg). These last three products are classified in the oil seed group together with sesame.

7. For carbaryl, however, the Codex Alimentarius has established MRLs of 1 mg/kg for polished rice and aubergines, 15 mg/kg for asparagus and citrus fruits, 2 mg/kg for wheat bran, 170 ppm for unprocessed rice bran, 1 mg/kg for colza and 0.2 mg/kg for sunflower seed. These last two products are classified in the oil seed group together with sesame.

8. By way of reference, Paraguay wishes to mention that demanding markets such as the European Union have established a limit of 0.05 mg/kg for imidacloprid and carbaryl in sesame seed.

9. The Department for the Safety of Imported Foods at the Ministry of Health, Labour and Welfare of Japan has reported that two shipments of Paraguayan sesame were rejected following the detection of pesticide residues (carbaryl) that exceeded the established maximum limits, in this case, "uniform limits".

10. The Agreement on the Application of Sanitary and Phytosanitary Measures provides that when a Member has reason to believe that a specific sanitary or phytosanitary measure introduced or maintained by another Member is constraining, or has the potential to constrain, its exports and the measure is not based on the relevant international standards, guidelines or recommendations, or such standards, guidelines or recommendations do not exist, an explanation of the reasons for such a sanitary or phytosanitary measure may be requested and shall be provided by the Member maintaining the measure (Article 5.8).

11. In order to avoid interrupting the current flow of trade with Japan, Paraguay, together with producers, exporters and the competent authorities, has been taking steps to ensure the quality and safety of sesame, and shipments destined for Japan are now certified by a laboratory report indicating that they comply with Japanese regulations.

12. It should also be noted that the production and export of sesame are of vital importance to Paraguay. The product provides a livelihood for 40,000 low-income families, and the measure applied by Japan could well affect the food security of this family farming sector. Paraguay therefore asks the Government of Japan to consider the current international regulations for carbaryl and imidacloprid used on crops similar to sesame, and to include them in the food MRL table.

13. Lastly, Paraguay wishes to express its confidence that both countries will soon find a satisfactory solution, taking into account the traditional ties of friendship and gratitude that unite the people and governments of Japan and Paraguay.
