WORLD TRADE ORGANIZATION

G/SPS/GEN/133
21 July 1999

(99-3026)

Committee on Sanitary and Phytosanitary Measures Original: English

GELATIN

Statement by Brazil at the meeting of 7-8 July 1999

1. Brazil has been informed that the European Communities has taken the necessary steps to notify the latest draft revision of Directive 92/118. We are thankful to the European Communities for this step towards transparency. Nevertheless, I have been instructed by my Government to highlight some of the concerns that Brazil has in relation to this issue. Of course, these concerns and some additional ones will be forwarded to the EC competent authorities within the next 60 days.

2. Brazil is the third largest producer of gelatin, right after two European countries: France and Germany. Around 70 per cent of our national production of gelatin goes to the EC market. Brazil has been exporting gelatin to European countries for over 15 years. Over that time, not one single health-related problem has been identified.

3. This is not the first time Brazil brings this issue to the attention of the SPS Committee. As some of us might recall, in 1997, France introduced regulations on specific requirements for the production of gelatin made out of hides and skins. As a result of Brazil's representations, the Office international des Epizooties (OIE) instituted an ad hoc Group of Experts, which concluded that hides and skins are free of BSE and declared that gelatin produced from these raw materials are safe for consumption. In May last year, the OIE approved those scientific conclusions and, as a result of that, included gelatin made of hides and skins in a list of products which should not be the object of any restrictions to international trade. In March 1999, almost one year later, France reviewed its regulation. Italy and Portugal, countries that apply the same regulation as France, have not done so yet. Brazil would like to know why.

4. As France dismantles its technical barrier, the European Communities decided to review Directive 92/118, and in this exercise, the European Communities is considering the imposition of new requirements for the imports of gelatin made out of hides and skins. Among these requirements, I would emphasize the obligation that tanneries that provide hides and skins to gelatin industries be certified. The distinction between slaughterhouses and tanneries for the purpose of supplying hides and skins for the production of gelatin is an artificial one and can only be understood as a disguised barrier to trade for it goes beyond the Codex Alimentarius safety standards.

5. Brazilian sanitary regulations require that industry expose these raw materials to pH variation tests, after which no bacteria can possibly survive. The draft legislation applies to food gelatin only, while pharmaceutical gelatin, which accounts for 22 per cent of the European edible gelatin market, is not included. There is no logic to this policy, let alone scientific basis. Bone gelatin is exempted from the Directive until EC legislation concerning classification as regards BSE status is applicable. It goes without saying that this is the sort of gelatin that should be controlled – not exempted. Nonetheless, the Directive applies controls to the type of gelatin that is safe, that is, the one produced in Brazil. The EC draft decision inaugurates the post-mortem inspection requirement. There is no technical or scientific justification for that requirement, for ante-mortem inspections are considered sufficient by international standards. Additionally, these inspections are required to be undertaken by an "official veterinarian". This is another artificial barrier to trade. In countries outside Europe,

. /.

health inspections are usually carried out by sanitary officials under the supervision of an official veterinarian.

6. Before concluding, let me just point out two of the many inconsistencies of the EC initiative with regard to the SPS Agreement:

- Article 2.2 calls for a scientific basis for the adoption of SPS measures. The EC measure does not take into account the scientific conclusions of the OIE on hides and skins;
- Article 2.3 establishes that SPS measures should not "arbitrarily or unjustifiably discriminate between Members where identical or similar conditions prevail". The EC measure should accept the equivalency provisions for individual countries set out in the SPS Agreement.

7. The EC legislation, as proposed now, will severely impact the ability of gelatin manufacturers, especially those outside Europe, to supply gelatin to the market. These regulations are an unnecessary barrier to trade. There has been, I insist, no risk assessment conducted to support the requirements and there is no scientific basis to justify Decision 4841/98.

8. Brazil urges the European Communities to take into account the arguments presented here today. Brazil will be forwarding to the EC authorities detailed comments in writing. Brazil is willing to meet bilaterally with the competent European countries in order to clarify any remaining points which would contribute to the review of Directive 96/118.