

**SLOVAK RESTRICTONS ON IMPORTS OF POTATOES AND FRUITS FROM POLAND**

Statement by Poland at the meeting of 10-11 November 1999

1. Poland wishes to revert to the question which was discussed at previous meetings. During one of the last Committee meetings, the Polish delegation explained in detail the reason for our concern relating to measures implemented by the Slovak Republic. Because the situation has lasted for a long time and has a serious negative impact on Polish exports, we are again expressing our concerns with the phytosanitary regulations implemented by the Slovak Republic concerning import of potatoes and fruits: apples, pears and quinces. Over the last few years, Slovak authorities have frequently changed the requirements for consignments of the above-listed products. The last changes were implemented on 1 March 1999 (notification G/SPS/N/SVK/15, dated 22 July 1999). Despite the objections presented by Poland during bilateral meetings and informal consultations in the framework of the SPS Agreement, the problem remains unresolved. Furthermore, the last request from Poland, submitted on 13 October, for an official statement from the Vice-Minister of Agriculture of the Slovak Republic, remains unanswered.
  2. It should be stressed that the objections of Poland are not only with the regulations themselves, but also with the way of their implementation. The new requirements are not notified or their notification is published after the regulation become obligatory. It prevents other countries from providing comments, which is not consistent with Article 7 of the SPS Agreement. In the majority of cases the new requirements become obligatory immediately, which makes proper preparation of consignments impossible for both the plant protection service and exporters. This situation can cause Polish exporters and producers to sustain considerable economic losses.
  3. Doubts concerning the implementation of the restrictions are also raised by the periodic nature of the requirements in the light of the situation on the Slovak market. This inconsistency in the actions undertaken by the Slovak authorities seems to indicate that new regulations create unjustified obstacles to trade rather than protect the territory against the introduction of quarantine organisms (Article 2.2).
  4. It should be pointed out that some of the requirements are not based on sufficient scientific evidence, for example regulations concerning import of fruits. There is lack of confirmed evidences that fruits can cause fire blight infection. The newest evidences rather seem to eliminate this way of harmful organism transmission.
  5. It is the opinion of Poland that the implementation of import prohibitions on an immediate basis, the lack of notification or notification only ex post, and the inconsistency in enforcement of the phytosanitary regulations indicate that the Slovak authorities are creating unjustified barriers to trade. This kind of action has a negative impact on trade and is against SPS Agreement provisions.
  6. Poland would like to encourage the Slovak authorities to reconsider and withdraw unjustified phytosanitary regulations and restore the traditionally good relations between our countries. Additionally, we would like to inform the Committee that Polish authorities will undertake all necessary steps, according to recognized procedures, with the aim of clarifying the above-mentioned problems.
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