

**MEXICO'S IMPORT PROHIBITION OF THAI MILLED RICE**

Statement by Thailand at the meeting of 15-16 March 2000

1. We would like to apologize to you and the Members of the SPS Committee for bringing the issue of the Mexican import prohibition of Thai milled rice back on the agenda. The Mexican Government has indeed taken new steps in order to lift the ban on the importation of Thai milled rice. We are grateful to inform the Committee of this new development. I refer particularly to the Mexican notification G/SPS/MEX/153, dated 6 March 2000. As we understand, the Mexican Government will allow Thai milled rice to be imported at two entry points, namely, Veracruz, Veracruz and Manzanillo, Colima. The date of entry into force will of course be determined in accordance with the internal procedure.

2. Thailand fully respects the process of amendment of Mexican Official Standards. We are hopeful that the lifting of the import prohibition on Thai milled rice will be implemented soon. Rice is extremely vital to Thailand, economically, socially and politically.

3. Having said this, Mr. Chairman, we would like to raise some questions concerning this notification.

4. First, I refer to box number 5 in the fourth column which reads "Additional requirements". We could accept the additional requirement on the international phytosanitary certificate to specify that Thai milled rice is free of *Khapra beetle* only if this requirement is applied to all countries exporting rice to Mexico. It must be noted that Article 2.3 of the SPS Agreement stipulates that "Members shall ensure that their sanitary and phytosanitary measures do not arbitrarily or unjustifiably discriminate between Members."

5. Second, again in box number 5 in the fifth column under Phytosanitary treatment, Treatment 302(d) could be a typing error; according to our sources it should read 302(d1). The Mexican delegation may like to check it again. However, our concern is that these fumigation treatments 302(d1) or 302(d2) are aimed at killing *Khapra beetle* at the points of entry. You may recall that at the July 1999 meeting of the SPS Committee, the Mexican delegation officially accepted that Thai milled rice is free of *Khapra beetle* (paragraph 7 of G/SPS/R/15). We wonder why this fumigation treatment is still required? Will this requirement apply to all countries exporting rice to Mexico? Will Mexico accept the equivalency of fumigation treatment if it is done in Thailand?

6. Thailand exports milled rice world-wide to both developed and developing countries in all regions of the world, including the region which Mexico belongs to. We strongly want to stress that any requirement or measure solely applicable to Thai milled rice cannot be accepted. Requirements or measures of any sort must not discriminate between Members. I refer to Article 1 of the GATT 1994 on MFN Treatment and Article 2.3 of the SPS Agreement.

7. Third, in our view, it is not normal for milled rice to be treated with fumigation at the points of entry; on the contrary fumigation treatment is normally done in the country of origin before

packing and exporting. If this requirement comes into force, Mexico would be the only country in the world requiring Thai milled rice to be fumigated at the points of entry. In this connection, we would like to make reference to Articles 2.3 and 5.6 of the SPS Agreement, with regard to disguised restrictions on international trade. It would be appreciated if the Mexican delegation could provide justification for this requirement.

8. Fourth, we would also be grateful if the Mexican delegation could provide us with a copy of Mexican Official Standard NOM-028-FITO-1995, as referred to in box number 4 of this notification. In addition, we also expect the Mexican Government to modify its regulation of Mexican Official Standard NOM-005-FITO-1995, as the Mexican delegation had indicated at the July 1999 meeting of the SPS Committee (paragraph 7 of G/SPS/R/15). Explanation on this modification would be appreciated.

9. In closing, we are hopeful that our comments on this notification will be conveyed to the authorities concerned in Mexico City. We look forward to working closely with the Mexican authorities both in Geneva under the SPS Committee and in Mexico City. I would like to express once again my thanks to the delegation of Mexico for their efforts in trying to solve this problem since 1995.

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