WORLD TRADE ORGANIZATION

G/SPS/GEN/204/Rev.4
2 March 2004

(04-0915)

Committee on Sanitary and Phytosanitary Measures

SPECIFIC TRADE CONCERNS

Note by the Secretariat[1]

Revision

At the 15-16 March 2000 meeting of the SPS Committee, the Secretariat was requested to prepare a paper summarizing the specific trade concerns that had been brought to the Committee's attention since 1995.[2] The SPS Committee requested the Secretariat to update this document annually and it was revised in 2001, 2002 and 2003 to include new information provided by Members (G/SPS/GEN/204/Rev.1, Rev.2 and Rev.3). This fourth revision includes all issues which have been raised at SPS Committee meetings through the twenty-eighth regular meeting of the Committee on 29-30 October 2003.

The document is organized alphabetically by Member, listing first the concerns raised related to measures maintained by a certain Member, and then providing a summary table of specific trade concerns raised by that Member. The measures maintained by a Member are categorized as relating to food safety, animal or plant health.

Altogether, 183 specific trade concerns were raised in the nine years from 1995 to the end of 2003. Figure 1 shows the number of new concerns raised each year. Figure 2a shows trade concerns by subject. Overall, 27 per cent of trade concerns relate to food safety concerns, 29 per cent relate to plant health, and 3 per cent concern other issues such as certification requirements or translation. Forty-one per cent of concerns raised relate to animal health and zoonoses, but this category includes issues such as transmissible spongiform encephalopathy (TSEs) that are also relevant for food safety. Figure 2b shows that TSEs account for 40 per cent of animal health concerns, while issues related to foot-and-mouth disease account for 26 per cent.

[1] This document has been prepared under the Secretariat's own responsibility and is without prejudice to the positions of Members or to their rights or obligations under the WTO.

[2] G/SPS/R/18, para. 20.

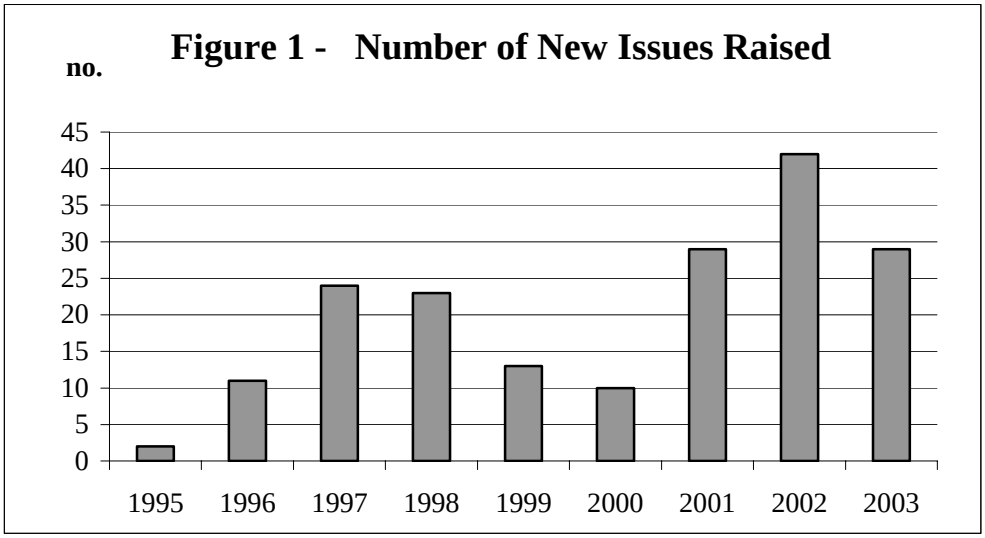


Figure 1 - Number of New Issues Raised
no.
45
40
35
30
25
20
15
10
5
0
1995
1996
1997
1998
1999
2000
2001
2002
2003

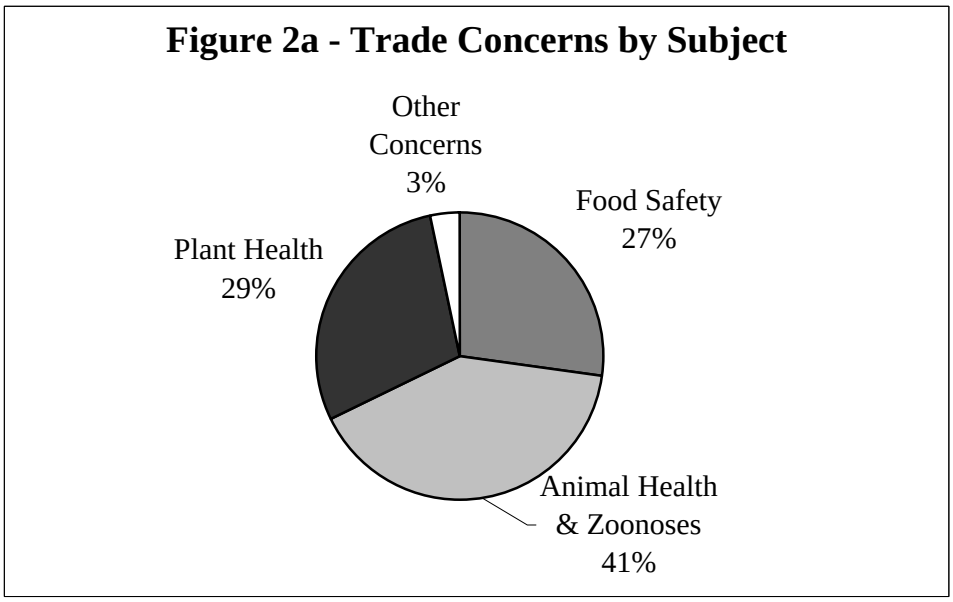
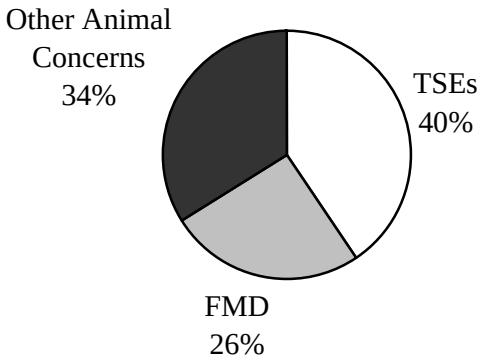


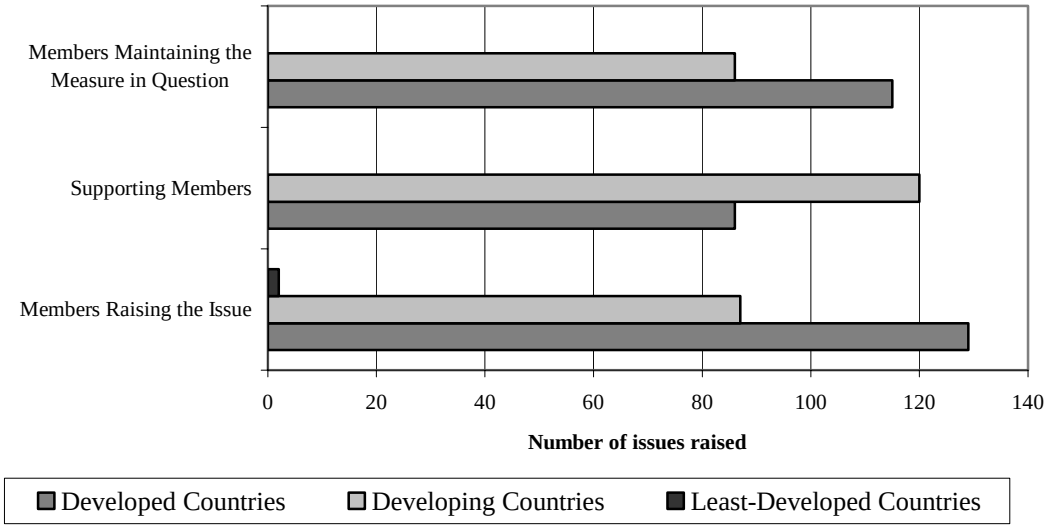
Figure 2a - Trade Concerns by Subject
Other Concerns 3%
Food Safety 27%
Plant Health 29%
Animal Health & Zoonoses 41%

Figure 2b - Trade Concerns Related to Animal Health



Developing countries are participating actively under this agenda item in SPS Committee meetings. As Figure 3 shows, developing country Members have raised 87 trade concerns, compared to 129 raised by developed country Members and two raised by least-developed country Members.[3] In 120 cases, a developing country Member has supported another Member raising an issue, compared to 86 for developed country Members and zero for least-developed country Members. In 115 cases, the measure at issue was maintained by a developed country Member, and in 86 cases it was maintained by a developing country Member. No trade concerns regarding measures maintained by least-developed country Members have been raised.

Figure 3 - Participation of Developing Countries



[3] The European Communities was counted as one Member. Similarly, when one Member spoke on behalf of ASEAN, it was counted as one Member only.

As Figure 4 shows, out of the 183 trade concerns raised, only 29 solutions have been reported. In 15 cases, the Committee was informed that a partial solution had been found, although some difficulties persisted. For example, trade may have been allowed for a limited number of products, or by only some of the importing Members maintaining the measures identified in a particular concern. For 139 concerns, no solution had been reported. Not counting the 29 new issues raised in 2003, for which it may be too soon to expect a solution, there are 110 trade concerns that are at least a year old and for which no solution has been reported. Of course, some of these concerns may have been solved without Members having so informed the Committee. Table 1 lists the issues that were raised for the first time in 2003. Table 2 shows other items that were considered during 2003.

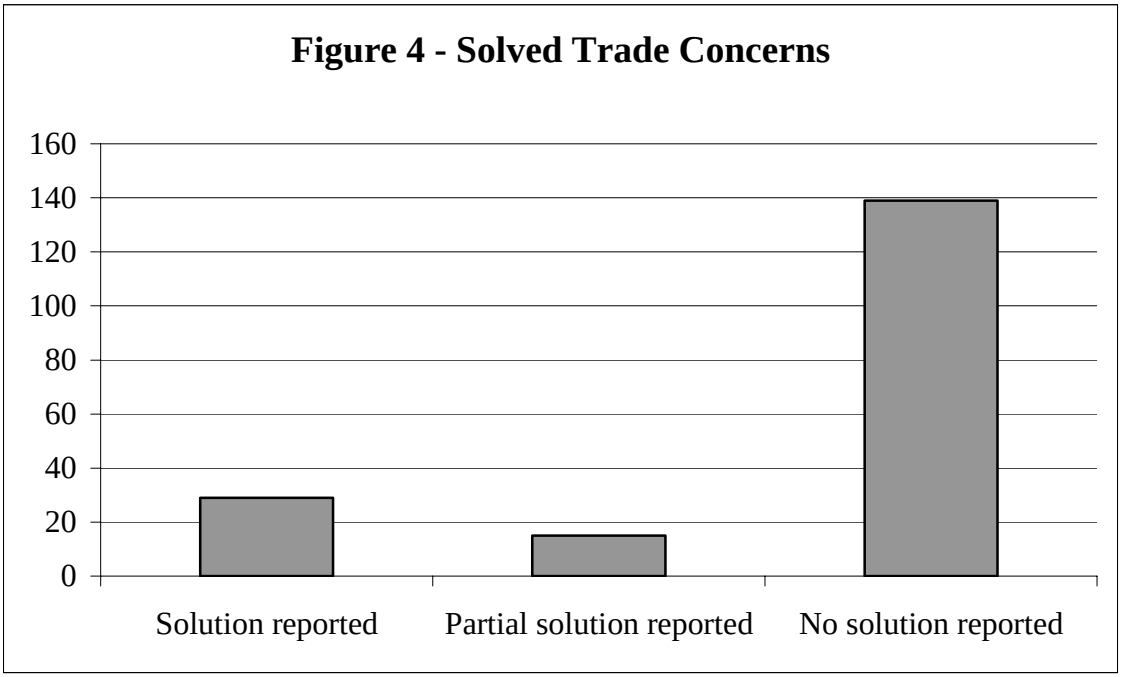


Table 1 - Issues raised for the first time in 2003

Item #	Title	Item #	Title
17	Import restrictions for Netherlands Truss tomatoes	**87**	Notification G/SPS/N/EEC/208 on sanitary conditions for the importation of live material for apiculture
21	Notification G/SPS/N/BRA /74 and 75 on BSE related measures	**111**	Notification G/SPS/N/JPN/104 on the revision of standards and specifications for food and additives
39	Quarantine measures for the entry and exit of aquatic products	**112**	Japan's Notification G/SPS/N/JPN/9 on uses of living modified organisms
43	Import measures on live animals and meat products	**120**	Fumigation standards
44	Restrictions on pork imports	**121**	Restrictions on imports of mangoes
68	Restrictions on honey import	**125**	Guidelines for maximum residue levels (MRL) testing

Item #	Title	Item #	Title
69	Maximum levels for aflatoxins for aflatoxins in corn and sampling contaminants in food	**126**	Notification G/SPS/N/KOR/49 on transboundary movement of living modified organisms
70	Notification G/SPS/N/EEC/196 on maximum residue levels in plant and animal products	**131**	Restrictions on Austrian products
71	Notification G/SPS/N/EEC/191 and Add.1 on food and feed control	**133**	Restrictions on the importation of dry beans
72	Notification G/SPS/N/DEU/9 and Add.1 on maximum tolerance levels for ocratoxin A in coffee	**152**	Requirements for heat treatment for meat and bone meal in poultry
80	EC proposal on animal by-products	**154**	Import restrictions on potatoes
81	Notification G/SPS/N/EEC/192 on transitional BSE measures	**172**	Notification G/SPS/N/USA/705 on implementation of the international standard for phytosanitary measures on wood packaging (ISPM 15)
82	EC directive 2001/661/EC on FMD	**179**	Aromatic polycyclic hydrocarbures in pomace olive oil
85	Notification G/SPS/N/EEC/190 on live animals and animal products	**183**	Implementaion of ISPM 15
86	Notification G/SPS/N/EEC/198 on animal health conditions and certification requirements for live fish		

Table 2 – Other items considered during 2003

Item #	Title	Item #	Title
1	BSE related measures	**88**	Notification G/SPS/N/EEC/131 on cut flowers
9	Restrictions on pigmeat	**95**	Import restriction s on chicken meat
10	Import restrictions on prawn and prawn products (G/SPS/N/AUS/124, 126)	**100**	Import restrictions on bovine semen
11	Notification G/SPS/N/AUS/72 on quarantine requirements for chicken meat	**103**	Import restrictions on dairy products
15	Import restrictions on durian	**104**	FMD restrictions
24	Import requirements for seed potatoes	**113**	Restrictions on importation of sugar cane top from Indonesia
37	Import ban on products of Dutch origin	**115**	Official control restrictions on citrus and other fresh fruits and vegetables
38	Import requirements for cosmetics	**140**	Certification of meat and dairy products
40	Regulation on wood packaging material	**155**	Restrictions on imports of pork sausages and other pork products, fresh, cured or salted
42	FMD restrictions	**157**	Import ban on livestock
54	Regulations on genetically modified food and feed	**163**	Restrictions on pigmeat
55	Notification G/SPS/N/EEC/150 on traceability and labelling of genetically modified organisms and food and feed	**173**	Risk assessment on BSE
63	Maximum levels for certain contaminants (aflatoxins) in foodstuffs	**177**	Phytosanitary requirements for garlic and potato imports
65	Restrictions on the importation of fruit and fruit juices		

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ARGENTINA

CONCERNS RELATED TO MEASURES MAINTAINED BY ARGENTINA

Animal Health and Zoonoses

Concerns related to TSEs

1. Argentina – BSE related measures

Raised by:	Canada
Supported by:	United States
Dates raised:	June 2002 (G/SPS/R/27, paras. 60-63), November 2002 (G/SPS/R/28, paras. 46-49), April 2003 (G/SPS/R/29, paras. 78-80)
Relevant document(s):	G/SPS/N/ARG/65
Solution:	Not reported

1. Canada indicated that Argentina appeared to have copied the EC geographical BSE risk categorization scheme (GBR), and had not followed an international standard or conducted a risk assessment. Canada had been given a Level 2 rating, although it had no BSE. Argentina had not requested any data from Canada. Furthermore, Canada questioned why the scheme had been notified as an emergency measure, and why Argentina had followed the EC measures instead of carrying out its own analysis. The United States shared Canada's concern and encouraged Argentina to consider the BSE risk assessment and data from the Harvard Center for Risk Analysis.

2. Argentina explained that its measures were based on the available information. If a Member felt the categorization was unjust, it should present the necessary technical information, in which case the review would be given priority. Argentina believed its system was in compliance with the OIE Code. Argentina had to take urgent action to update its BSE measures and any delay would have posed unacceptable risks to Argentina's own BSE status.

3. In November 2002, Canada reported that it had provided a large body of information to Argentina but had not yet had a response. Canada did not have BSE and did not understand how it could have been given such a rating without any risk assessment having been conducted by Argentina. The United States, which was also free of BSE, shared Canada's concern. The United States encouraged Argentina, as well as other countries, to make use of the information resulting from the BSE risk assessment undertaken by the Harvard Center for Risk Analysis.

4. Argentina reported that it had reviewed the measure and amended the provisions in Annex II which contained the country ranking based on a risk assessment. These amendments would be undertaken soon. Argentina was completing its analysis of the additional information submitted by Canada, and a reply would soon be provided bilaterally.

5. In April 2003, Canada reported that the authorities in Argentina and Uruguay had agreed to undertake their own BSE risk assessments. The United States noted that Argentina's resolution allowed for the re-categorisation of the BSE status of the United States. However, a significant amount of scientific evidence had been provided to Argentina which exceeded the OIE criteria for recognition as a BSE-free country. Any restrictions were unjustified and Argentina was requested to lift its restrictions on the importation of sweet breads. Argentina reported that substantive progress had been made on this issue and was confident that further bilateral consultations would result in its resolution.

2. Argentina, Australia, Canada, Korea, New Zealand, United States - Import restrictions affecting BSE-free countries

Raised by:	Bulgaria, Croatia, Czech Republic, Estonia, Latvia, Poland, Romania, Slovak Republic, Slovenia
Supported by:	European Communities, United States
Dates raised:	March 2001 (G/SPS/R/21, paras. 18-25), July 2001 (G/SPS/R/22, para. 48)
Relevant document(s):	G/SPS/GEN/247, G/SPS/N/ARG/59, G/SPS/N/AUS/125, G/SPS/N/CAN/94, G/SPS/N/KOR/83, G/SPS/N/NZL/77, G/SPS/N/USA/379
Solution:	Not reported

6. On behalf of a group of countries (see table above), Romania drew attention to a number of emergency notifications banning imports of certain animal products from countries that were BSE-free. These measures violated the SPS Agreement since they were not based on a proper risk assessment. The affected countries were willing to provide the necessary documentation of their BSE-free status. The European Communities added that testing or suspension of imports of milk, dairy products, collagen and gelatine for BSE was not in conformity with OIE guidelines, and requested Members to adapt their requirements to the international standard. The United States affirmed that BSE-related measures must be based on science and international standards. The United States, although BSE-free, had also been affected by import restrictions, some of them imposed by countries sponsoring the statement presented by Romania. The United States had provided evidence on its freedom from BSE, its surveillance system and control measures to interested trade partners, and required similar data from countries that may pose a BSE risk. The United States looked forward to receiving the necessary information to assess the risks involved.

7. New Zealand and Australia were concerned over the increase in known incidence of the disease in Europe as a result of intensified testing, and had issued emergency food standards to protect public health. They were developing permanent measures, which would be notified to allow for comments from interested Members. Canada had not recognized any of the countries of the joint declaration as BSE-free, and would evaluate individual countries based on a risk assessment as soon as the necessary information was received. Korea indicated that a temporary measure had been introduced because of the increased prevalence of BSE in Europe. Korea would seek the additional information necessary for a more objective assessment of the risks involved. Argentina indicated that its emergency measure was based on the scientific information available at the time, and stressed that any new information received would be considered. Bulgaria pointed out that according to Article 5.7 Members were obliged to request additional information when temporary measures were implemented. Brazil reaffirmed Members' right to go beyond international guidelines based on a risk assessment, but stressed that this should only take place once the necessary information had been provided.

8. In July 2001, Bulgaria reiterated its concern regarding import restrictions affecting BSE-free countries.

3. Argentina – Import restrictions on bovine semen, milk and milk products

Raised by:	European Communities
Supported by:	Switzerland, South Africa
Dates raised:	March 1999 (G/SPS/R/14, paras. 17-18), July 1999 (G/SPS/R/15, paras 23-24), November 2000 (G/SPS/R/20, paras. 26-28), July 2001 (G/SPS/R/22, paras. 44-46), October 2001 (G/SPS/R/25, paras. 18-19)
Relevant document(s):	G/SPS/N/ARG/37, G/SPS/N/ARG/38, G/SPS/N/ARG/47, Corr.1 and Rev.1, G/SPS/GEN/114, G/SPS/GEN/131, G/SPS/GEN/135
Solution:	Measure revised and notified (G/SPS/N/ARG/47/Rev.1).

9. In March 1999, the European Communities noted it had been unable to obtain the text of Argentina's measure on bovine semen imports, and was submitting a series of questions. Argentina indicated that the measure had been notified (G/SPS/N/ARG/37). It clarified that the request for the full text of the measure had not been received from the Commission, but from several EC member States. Argentina committed to sending the relevant document to the European Commission.

10. In July 1999, the European Communities again expressed concern regarding Argentina's BSE-related restrictions on bovine semen, milk and milk products. G/SPS/N/ARG/38 concerned a draft measure which classified these products as low-risk products. Subsequently notified import requirements (G/SPS/N/ARG/47) established country freedom from BSE or low BSE risk as preconditions for importing frozen bovine semen, although according to the OIE, bovine semen from healthy animals could be traded without BSE-related restrictions. The European Communities indicated that it had received no answers to the questions raised in March 1999, and raised several new questions.

11. Argentina replied that it had provided answers to the EC questions both bilaterally and in G/SPS/GEN/135. Argentina had received several comments on the measure notified in G/SPS/N/ARG/47, and had taken these comments into account. Argentina was planning to issue a revision of G/SPS/N/ARG/47, and was committed to continue exchanging information with the European Communities to resolve all questions before the measure was adopted.

12. In November 2000, the European Communities stated that Argentina was applying import restrictions on bovine semen that went well beyond international recommendations and were not justified. The European Communities would continue to pursue this issue bilaterally, and was hopeful of a resolution. Argentina replied that it had notified, in advance, its regulation as G/SPS/N/ARG/47, which was subsequently revised following comments by the European Communities and others (G/SPS/N/ARG/47/Rev.1). This regulation established criteria not only in relation to BSE concerns but also to two other diseases. Argentina had resolved the problems identified bilaterally by many EC member States, in particular Germany and France. Furthermore, an Argentine veterinary mission would be visiting various EC member States early in December and was prepared to also address this issue at that time.

13. In July 2001, the European Communities referred to the information on BSE circulated by OIE and WHO, concluding that there was no evidence of BSE transmission via milk collected from healthy animals (G/SPS/GEN/221, 222, and 230). However, Argentina was still imposing import restrictions on EC dairy products, in particular from the United Kingdom. The European Communities had replied to Argentina's extensive questionnaire, but Argentina had failed to provide a risk assessment to justify its measures. The European Communities urged Argentina either to provide a scientific justification, or to lift the trade restrictions. Otherwise the European Communities would have to consider an eventual recourse to Article 12.2 consultation procedures. Argentina replied that in January 2001, its animal health service had adopted a resolution which imposed restrictions on dairy products. A new, less restrictive sanitary certificate would be notified soon. Regarding human

health, dairy products had been reclassified from medium to low risk, and the relevant decree eliminated the restrictions. This reclassification was not yet complete, and one category of milk remained under restriction. The United Kingdom was considered a high-risk country, but the situation was under analysis.

14. In October 2001, the European Communities indicated that despite statements from the Argentine authorities that dairy products would be reclassified, Argentina continued to place restrictions on baby food and on Baileys from Ireland; Belgian chocolate; bovine semen and dairy products from the Netherlands; milk powder and cheese from Germany; Swedish cacao oil butter; and dairy products from the United Kingdom and France. Furthermore, the European Communities disagreed with the classification of dairy products as low-risk, as opposed to no-risk, and criticized the lack of transparency of the Argentine measure. The European Communities was considering eventual recourse to Article 12.2 consultation procedures. Argentina explained that it did not maintain any restriction on EC dairy products; they just had to be certified as coming from establishments where no case, or suspected case, of BSE had been recorded. A counter proposal from EC member States that milk come from establishments where there had been no case of BSE was currently being studied to determine equivalence. Regarding transparency, all standards could be consulted on the web page of the Official Bulletin. As Argentina continued efforts to resolve this question, it did not consider recourse to Article 12.2 consultations necessary.

4. Argentina, Australia, Austria, Belgium, Brazil, Canada, Chile, Czech Republic, France, Germany, Italy, Netherlands, Poland, Romania, Singapore, Slovak Republic, Slovenia, Spain, United States and others – Measures related to BSE

Raised by:	Switzerland
Supported by:	
Dates raised:	May 1996 (G/SPS/R/5 and Corr.1, paras. 6-9), October 1996 (G/SPS/R/6, para. 53), March 1997 (G/SPS/R/7, paras. 56), July 1997 (G/SPS/R/8, paras. 10-19), October 1997 (G/SPS/R/9/Rev.1, para. 15-17), March 1998 (G/SPS/R/10, para. 9), June 1998 (G/SPS/R/11, para. 29), September 1998 (G/SPS/R/12, paras. 26-30), November 1998 (G/SPS/R/13, paras. 17-18), March 1998 (G/SPS/R/14, para. 14), March 1999 (G/SPS/R/14, para. 8)
Relevant document(s):	G/SPS/N/AUS/56, G/SPS/N/AUS/57, G/SPS/N/CAN/18, G/SPS/N/CHL/1, G/SPS/N/CHL/6, G/SPS/N/CHL/31, G/SPS/N/CZE/14 and Add.1, G/SPS/N/SGP/1, G/SPS/W/68, G/SPS/W/79, G/SPS/GN/5, G/SPS/GEN/71
Solution:	Slovak transit ban removed, mutually satisfactory solution found with regard to Slovak importation of Swiss milk and milk products; Chilean import measure modified; some other measures withdrawn/revised.

15. In May 1996, Switzerland presented information on its BSE situation, and noted that a number of countries had restricted imports of dairy products, although both the OIE and the WHO concluded that dairy products posed no risk in respect of BSE. In October 1996, Switzerland provided an update of its sanitary prescriptions, culling and veterinary measures to be adopted at the border. In March 1997, Switzerland indicated that although it was a country of low incidence of BSE, it had been subject to a number of BSE-related trade restrictions, some of which could not be justified under WTO rules. The Chairman agreed to hold informal consultations with interested Members on 21 March 1997.

16. In July 1997, Switzerland reported that although there had been some positive developments, problems remained. Switzerland addressed some questions to the Members concerned, stressing its interest to find rapid solutions through bilateral discussions. Argentina informed the Committee that it had replied to Swiss questions and would provide more information; Switzerland expressed satisfaction with this progress. Brazil noted that its import prohibition of bovine semen was based on

the classification of bovine semen as a medium risk product, and on Brazil's BSE-free status. At the subsequent meeting of the relevant MERCOSUR working group in July 1997, Brazil would attempt to reclassify bovine semen as low risk.

17. Canada noted that there had been no changes to its import conditions for the importation of live cattle, bovine embryos, bovine semen, bovine meat or meat products from Switzerland, although a draft document on BSE policies was being discussed. Canada was receiving comments on its draft measure, which would be in accordance with the OIE Code. Canada was concerned with the lack of quantitative or qualitative parameters for the differentiation between countries with high and low incidence of BSE, and re-extended an invitation for bilateral discussions.

18. The United States stressed that it did not prohibit the importation of meat. BSE-related measures were subject to continued review based on scientific evidence, which, for example, had led to the opening of trade in bovine semen, although other matters remained unresolved. The United States remained open to scientific discussion in the area. Switzerland noted that the United States required certification for dried meat, and hoped that the reviewed US policies would be in line with OIE recommendations.

19. Romania informed the Committee that it had held bilateral discussions with Switzerland. Its policies were in line with OIE recommendations, and would be notified shortly. Switzerland expressed satisfaction with the results of bilateral talks. Poland noted that imports to Poland were carried out on the grounds of individual import permissions, but that no application had been received from Switzerland. Switzerland requested bilateral clarifications. Singapore indicated that countries exporting beef were required to certify BSE-freedom for six years. It believed this measure to be consistent with the SPS Agreement, and planned to notify it shortly.

20. The Czech Republic was concerned about continued occurrence of BSE in Switzerland, especially since the Czech Republic was BSE-free. However, imports of bovine semen, brain and embryos from Switzerland were not restricted. The Czech Republic would prefer to continue discussion at the level of veterinary experts. The European Communities noted that measures were taken on a national basis by EC member States, but were screened for conformity with EC law before being notified to WTO. In the case of BSE, this had taken more time than expected, and although there was no common position within the European Communities, changes to the policy were being considered. The European Communities indicated it was going beyond OIE recommendations, and indicated that it would be useful to continue discussions with the relevant experts.

21. In October 1997, Switzerland indicated that its BSE-situation was improving, but that numerous restrictions continued to affect Swiss exports of live cattle, genetic material, meat, and in certain cases milk products. Bilateral consultations were continuing. Switzerland questioned why the Australian quarantine requirements for the importation of bovine embryos and semen applied to Switzerland only, and whether countries with actual BSE incidents were subject to similar requirements. Switzerland also wondered why the objective of the new requirements was to "develop import requirements…based on international standards", whereas the notification indicated that no international standard existed. Australia replied that it had developed generic conditions for importation of ruminants and ruminant genetic material from member States of the European Communities, but had established bilateral conditions with other trading partners. The conditions in the notified draft requirements for Switzerland were in accordance with Australia's general import policy relating to BSE promulgated in January 1995, and were equivalent to BSE requirements for all other countries. International standards existed and Australia did not consider that the notified draft measures deviated from such standards.

22. Switzerland questioned why the Czech import restriction on imports of cattle over six months applied to Switzerland only, and whether countries with actual BSE incidents were subject to similar requirements. The Czech Republic replied that an individual import permit was required for traders

interested in importing goods subject to veterinary control, including live animals. The Czech authorities considered the epizootic situation in the country of origin, frequency of newly found cases of contagious diseases, efficiency of eradication programmes, etc. The import approach was always the same and included discussion with the veterinary authorities of the country of origin. The system distinguished between countries with sporadic positive cases and those with continued occurrence of cases, like Switzerland. Although the measures in place in Switzerland corresponded to OIE recommendations, they had not fully eliminated BSE-related risks, and had not prevented new infections. Unlike other countries, Switzerland slaughtered and destroyed only BSE-affected animals, not all animals kept and fed in the same place. Such animals could be considered as a source of disease. Trade between the Czech Republic and the European Communities was based on EC measures which represented a higher rate of prevention than the OIE recommendations. The Czech Republic offered to continue bilateral discussions with Switzerland.

23. In March 1998, Switzerland reported that most BSE-related measures against its exports remained in place although they deviated from OIE recommendations. However, some Members had eliminated or revised their measures, especially on genetic products. With respect to the European Communities, Switzerland hoped that recent developments would lead to a more predictable situation. In June 1998, Switzerland and the Slovak Republic reported on progress achieved during consultations and in September 1998, Switzerland reported that the transit ban had been removed, although discussions on market access for dairy products continued.

24. In September 1998, Switzerland reiterated concerns with import prohibitions on Swiss bovine semen, which seemed to contradict WTO provisions regarding non-discrimination, risk assessment, notification and consultation. Switzerland was still awaiting answers to its detailed questions to the relevant Members, or re-admission of Swiss exports. The European Communities reported on useful bilateral contacts with Switzerland, and indicated that the European Communities was undertaking an inventory of all national BSE-related measures in order to notify them. In addition, the European Communities would propose that EC member States harmonize their conditions for import from Switzerland. Chile indicated that, based on OIE recommendations on BSE, it had authorized bovine semen imports from France and was processing a request from the United Kingdom. No official request to export bovine semen had been received from Switzerland.

25. In November 1998, Switzerland and the Slovak Republic reported that they were close to a short-term solution regarding the Slovak import ban on Swiss dairy. In the longer term, a few technical issues remained to be settled. In March 1999, Switzerland informed the Committee that a mutually satisfactory solution regarding Slovak importation of Swiss milk and milk products had been found. Chile reported that its measure affecting imports of bovine semen had been modified.

Other Animal Health Concerns

5. Argentina - Temporary prohibition of fresh pork and products

Raised by:	European Communities
Supported by:	
Dates raised:	March 1998 (G/SPS/R/10, paras. 34-35)
Relevant document(s):	G/SPS/N/ARG/9
Solution:	Not reported

26. The European Communities observed that the Argentine measure applied to the entire European Communities. The European Communities had taken measures to regionalize the EC member States with restrictions with regard to Classic Swine Fever. Argentina replied that it believed in the principle of regionalization, but had found that there was no basis to assume compliance within

the European Communities. Argentina had requested information from a number of EC member States, but only four countries had responded. Classic Swine Fever was a highly infective OIE List A disease which had not occurred in Argentina since 1985. Argentina would assess information received so as to adjust its measure as appropriate.

Other Concerns

6. Argentina - Pest risk assessment requirements

Raised by:	United States
Supported by:	Canada, European Communities, New Zealand
Dates raised:	November 2002 (G/SPS/R/28, paras. 80-82).
Relevant document(s):	G/SPS/N/ARG/67 and G/SPS/N/ARG/68
Solution:	Not reported

27. The United States sought clarification on the criteria Argentina would use in determining whether or not a product tracing system through the production and marketing chain met the requirements of this measure. The measure also referred to mutual agreements under which Argentina authorized imports of animals and animal products and the United States requested information about existing agreements that Argentina might have concluded, as well as the criteria and procedures for future such agreements. Furthermore, the United States sought information on the role of equivalence under this measure, for example, would Argentina recognize the overall inspection systems of exporting countries, or only verify compliance with Argentine requirements?

28. Canada stated that certain elements of Argentina's measure were unnecessarily trade restrictive, such as the requirement for an audited traceability system throughout the entire product and marketing chain for a wide range of products, live animals, reproductive material, soil dressing etc. Canada was concerned that all foreign establishments would be subject to prior inspection and authorization that was only valid for two years. This requirement provided no flexibility for cases where no risk problems were present, and could result in high costs to exporters. The representatives of New Zealand and of the European Communities supported the concerns raised by the United States and Canada and expressed a systemic interest in the issue.

29. Argentina requested the United States to provide its questions in writing. The notification was open for comments and the period for comments had been extended due to requests from trading partners. Argentina noted that other countries, including the European Communities, approved plants for export to their markets only after visiting those plants, and then the conditions were maintained by Argentina.

CONCERNS RAISED BY ARGENTINA

Item Number	Country Maintaining the Measure
Food Safety	
Item 55	**European Communities** – *Notification G/SPS/N/EEC/150 on traceability and labelling of genetically modified organisms and food and feed*
Item 63	**European Communities** – *Maximum levels for certain contaminants (aflatoxins) in foodstuffs*
Item 99	***Iceland's** notification on meat and meat products*
Animal Health and Zoonoses	
TSE Concerns	
Item 32	***Chile-** Pet food import requirements*
FMD Concerns	
Item 18	***Bolivia** – FMD trade restrictions-*
Item180	***Certain Members** – FMD-related import restrictions*
Item 33	***Chile** – FMD Restrictions*
Item 42	***Colombia** – FMD Restrictions*
Item 45	***Cuba** – Import restrictions on spiced pork and salted meat products*
Item 103	***Indonesia** – Import restrictions on dairy products*
Item 104	***Indonesia** – FMD restrictions*
***Item* 114**	***Japan** – Measures regarding FMD*
Item 127	***Korea** – Import restrictions on beef*
Item 130	***Mexico** – Import restrictions on beef*
Item 155	***Trinidad and Tobago** – Restrictions on imports of pork sausages and other pork products, fresh cured or salted*
Item 174	***Venezuela** – FMD restrictions*
Other Animal Health Concerns	
Item 87	***European Communities –** Apiculture restrictions*
Plant Health Concerns	
Item 41	***China** – Import restrictions for citrus and other fruits related to fruit fly*
Item 46	***Cuba** – Restrictions on apples and pears*
Item 91	***European Communities** – Citrus canker*
Item 93	***European Communities (Spain)** – Phytosanitary regulations*
Item 151	***Switzerland** – Notifications on wheat, rye and triticale*
Item 167	***United States** – Imports of citrus fruit*
Item 172	***United States –** ISPM 15 implementation on wood packaging material*
Item 177	***Venezuela**—Phytosanitary requirements for potatoes, garlic and onions*
Other Concerns	
Item 122	***Japan and Korea** – Translation of regulations*

AUSTRALIA

CONCERNS RELATED TO MEASURES MAINTAINED BY AUSTRALIA

Food Safety

7. Australia – Restrictions on imports of sauces containing benzoic acid

Raised by:	Philippines
Supported by:	Malaysia
Dates raised:	September 1998 (G/SPS/R/12, paras. 83-85), November 1998 (G/SPS/R/13, paras. 24-25), July 1999 (G/SPS/R/15, para. 68), June 2000 (G/SPS/R/19, para. 21), October 2001 (G/SPS/R/25, para. 36)
Relevant document(s):	G/SPS/GEN/106; see also G/SPS/13, G/SPS/GEN/137 and G/SPS/W/107/Rev.1
Solution:	Australian tolerance level modified in June 2000. In October 2001, the Philippines confirmed that sauces were no longer being detained.

30. In September 1998, the Philippines voiced concerns that Australia's import prohibition on Philippine sauces containing benzoic acid were discriminatory, since sauces from New Zealand were allowed entry even if they contained benzoic acid. Australia indicated willingness to pursue this matter with the Philippines. Both Members noted the absence of an international standard for benzoic acid in sauces. In November 1998, the Philippines reported that bilateral consultations had not been successful. Australia explained that the different rules applying to sauces from New Zealand were transitional, and stemmed from a treaty establishing a common food standards system for both countries. Australia expected that the final standard for food additives would be implemented in the first half of 1999.

31. In July 1999, the Philippines again reported on bilateral consultations. Completion of Australia's new food code was foreseen for late 1999. Australia confirmed that benzoic acid would be allowed as an additive under the new food standards code.

32. In June 2000, the Philippines requested an update of the situation from Australia. Australia reported that the relevant part of the Australian Food Standards Code had been revised. The present restriction on benzoic acid would be removed and replaced on 22 June 2000 with a tolerance level of 1000 milligrams per kilogram for benzoates in sauces, applicable to all products sold in the Australian market, whether domestic or imported.

33. In October 2001, the Philippines confirmed that Australia had modified the tolerance level for benzoic acid in sauces, and that detention of Philippine sauces in Australia due to benzoic acid had not been noted in Hold Order Lists since June 2000.

8. Australia and New Zealand – Import restrictions on cheese

Raised by:	European Communities, Switzerland
Supported by:	
Dates raised:	June 1998 (G/SPS/R/11 and Corr.1, paras. 41-42b), November 1998 (G/SPS/R/13, paras. 21-23), March 1999 (G/SPS/R/14, paras. 9-13), November 2000 (G/SPS/R/20, para. 32)
Relevant document(s):	G/SPS/N/AUS/80, G/SPS/N/AUS/107, G/SPS/N/NZL/48
Solution:	Switzerland reported that a mutually satisfactory solution had been found.

34. In June 1998, Switzerland reported that, without advance notice, New Zealand and Australia had stopped imports of hard cheeses made from unpasteurized milk, on the grounds that they did not meet the sanitary requirements. Australia and New Zealand responded that the relevant import measure required inactivation of pathogenic organisms. This measure had been put in place before 1 January 1995 and therefore not been notified, but compliance had recently been reinforced. ANZFA was evaluating the applications received from Switzerland and the European Communities.

35. In November 1998, the European Communities requested Australia to identify the international standard on which its import ban on Roquefort cheese was based, or to provide scientific justification and a risk assessment. Australia responded that its food standards required all cheese to be made from pasteurized milk, or milk that had undergone an equivalent process. Australia's risk assessment on Roquefort cheese had identified potential problems with pathogenic micro-organisms, in particular entero-hemorrhagic E-coli. Further data from the Roquefort manufacturers had been received and were being evaluated. In addition to food safety assessments, Roquefort cheese was being evaluated for risks to animal health. Draft revised import conditions would be notified soon, and comments solicited. A final decision was likely in the first quarter of 1999 on both food safety and animal health aspects.

36. In March 1999, Switzerland asked about the progress of ANZFA's procedures. Australia responded that ANZFA had conducted a risk assessment. The documentation would be published on 17 March 1999 for public comment, after which a final recommendation would be made. Swiss officials in Canberra would be briefed on 16 March 1999. Regarding EC concerns, Australia reported that according to a risk assessment initiated by the Australia New Zealand Food Authority (ANZFA), French Roquefort did not comply with Australian requirements. French officials in Canberra would be briefed on the issue. In November 2000, Switzerland reported that a mutually satisfactory solution had been found.

Animal Health and Zoonoses

Other Animal Health Concerns

9. Australia – Restriction on pigmeat

Raised by:	European Communities
Supported by:	Canada
Dates raised:	November 2002 (G/SPS/R/28, paras. 75-76), April 2003 (G/SPS/R/29, paras. 67-69)
Relevant document(s):	Raised orally
Solution:	Not reported

37. The European Communities noted that Australia banned imports of pigmeat from the European Communities, except Danish pigmeat subject to a specific heat treatment. Australia had began a risk assessment for pigmeat imports in May 1998, and although the results had been scheduled for February 2000 they had not been presented and no alternative date had been set. Four and a half years was too long a delay to wait for a risk assessment to be undertaken. The European Communities had formally proposed equivalent measures, but Australia had not accepted these. The European Communities requested Australia to take a decision as quickly as possible.

38. Australia indicated that a generic import risk analysis (IRA) of the quarantine risks and risk management options associated with disease agents that may be introduced into Australia with pigmeat imported from a number of countries, including EC member States was being conducted. A technical issues paper issued early in 2001 identified a range of quarantine risks including foot-and-mouth disease, African swine fever, classical swine fever, as well as various other pig diseases. The

pigmeat IRA was necessarily comprehensive and complex; Australia's pig industry had a very favourable health status. In the case of EC exports, the risk analysis had to deal with three OIE List A diseases, as well as a number of other serious diseases present in EC member States but absent in Australia. For some serious diseases little scientific information was available and Australia had to commission significant research to provide independent scientific information on a range of issues including the transmissibility of Porcine Respiratory and Reproductive Syndrome (PRRS). The results of some mayor research was expected to be available at the end of the year. Technical input from the European Communities on PRRS and other diseases being considered in the import risk analysis would be welcomed.

39. In April 2003, the European Communities noted that it had taken 17 years to obtain some access for processed meat from Denmark into Australia. Furthermore, there was still no date given for the publication of the general risk assessment undertaken by Australia in 1998. The European Communities questioned why there was still a debate on the methodology to be used for conducting the risk assessment four-and-a half years after the risk assessment had begun. The time necessary for completion of the IRA was excessive and the requirements for Danish imports were disproportionate to the risk. The European Communities called on Australia to publish the IRA without further delay and to give positive consideration to equivalent measures. Canada also expressed frustration with the delays in Australia's IRA procedures.

40. Australia observed that Aujetsky's disease was eradicated in Denmark only in 1992 and following that porcine reproductive and respiratory syndrome (PRRS) emerged. This had to be considered in the import risk analysis commenced in 1994. The import of pigmeat from Denmark, subject to certain requirements, was approved in 1997. A generic import risk analysis on pigmeat was assessing import requests from a wide range of countries. Various updates had been provided – including a recent update to the European Commission. Comments on the methodology paper were welcomed and a draft of the risk assessment would be available as soon as possible. The process was transparent and science-based. Independent research on PRRS had demonstrated oral transmission of the virus via pigmeat. Given the lack of scientific information on its transmission via meat, Australia was seeking the information needed for an informed quarantine policy decision

10. Australia - Import restrictions on prawn and prawn products

Raised by:	Thailand on behalf of ASEAN
Supported by:	Philippines on behalf of ASEAN, European Communities
Dates raised:	March 2001 (G/SPS/R/21, paras. 84-85), October 2001 (G/SPS/R/25, paras. 109-111), March 2002 (G/SPS/R/26, para-137), June 2002 (G/SPS/R/27, paras. 138-139), November 2002 (G/SPS/R/28, paras. 193-194), April 2003 (G/SPS/R/29, paras. 58-59), June 2003 (G/SPS/R/30, paras. 52-53)
Relevant document(s):	G/SPS/N/AUS/124, G/SPS/N/AUS/126
Solution:	Not reported

41. In March 2001, Thailand, on behalf of ASEAN, drew attention to Australia's notifications regarding its risk analysis and interim measure on prawn and prawn products, which required risk management measures for White Spot Syndrome and Yellow Head Virus. Prior to the deadline for comments, Australia had imposed an interim measure on imports of uncooked prawn and prawn products from ASEAN countries, and which was based on the fact that the imported prawn might illegally be used as fishing bait. ASEAN objected to the inclusion of illegal domestic practices as a major element in risk analysis. Thailand urged Australia to lift this interim measure, which was more restrictive than necessary and inconsistent with Article 5. Australia explained that the measures were the result of an outbreak of exotic White Spot Virus disease. Investigations had revealed that far more imported prawns were being used for bait than had been previously thought, and a 15 g cut off point was introduced. The additional measures applied only to whole green and unpeeled headless green

prawns from areas not free of White Spot Disease. The risk analysis was progressing and comments would be taken into account.

42. In October 2001, Thailand again expressed serious concern about the inclusion of Australia's domestic enforcement practices as a major element in Australia's risk analysis. Thailand urged Australia to lift the interim measures taken on the basis of this risk analysis, as ASEAN believed the measures were not based on scientific evidence and were more trade restrictive than necessary. Australia believed its measures to be scientifically valid. The risk analysis was continuing and would result in final measures. An application for equivalence for highly processed prawn products was being examined and, if approved, would result in less trade restrictive measures.

43. In March 2002, Thailand sought information regarding the status of Australia's risk analysis, noting that the original date for conclusion of the risk assessment had been June 2001. Australia replied that work on the risk analysis was continuing, and all stakeholders would be informed of the current status by letter. In response to requests from importers, Biosecurity Australia was conducting an equivalence assessment to determine if there were less trade restrictive alternative measures which could be applied to highly processed prawn products.

44. In June 2002, Thailand requested information on the period of application of the interim measure related to white spot syndrome and its scientific basis. Malaysia and the Philippines expressed interest in this issue. Australia replied that a report had been published on progress made, including a summary of a meeting with stakeholders. The next meeting of the risk analysis panel considering the issue was scheduled for late July 2002, after which a draft risk analysis report would be issued. The scientific concerns on white spot syndrome which had led to the interim measure remained. Australia had completed an equivalence assessment, and on 25 June 2002 implemented changes in the requirements for highly processed prawn products.

45. In November 2002, Thailand expressed concerns over the continuation of the interim measure imposed by Australia and urged Australia to complete the risk analysis and abolish the measure as soon as possible. The Philippines, speaking on behalf of ASEAN, supported the concerns expressed by Thailand and noted their interest in monitoring the issue. Australia reported that the next step of the Australian IRA would be the release of a revised draft import risk analysis report. In the meantime, the interim measures from June 2002, including the amended conditions, would continue. The interim measure was science-based, temporary and applied only to a small proportion of prawn exports to Australia from Thailand and other countries. Experts from the aquatic animal biosecurity team had recently visited Thailand to work out a cooperative technical assistance programme exploiting the feasibility of alternate measures, including area disease freedom, which might enhance prospects for trade in the prawn products of concern.

46. In April 2003, Thailand observed that interim measures against the import of uncooked prawns and prawn products from ASEAN countries had been in place for over two years and there was no legitimate reason for the continuation of these emergency measures. Australia stressed that the measures were limited to high risk products – uncooked prawns – that accounted for only 5% of the prawn products exported to Australia from Thailand. Tests had indicated the positive presence of white spot virus in Thai uncooked prawn products shipped to Australia. The disease was exotic to Australia. Biosecurity Australia had commissioned a study on bait use which provided clear support for the measures taken. Australia was committed to finalizing the IRA as soon as possible and was also working on technical assistance projects for alternative biosecurity measures for prawns, including aquatic disease zoning methodologies.

47. In June 2003, Thailand reported that the interim measure was still in place and it appeared unlikely that the import risk analysis would be concluded within a short period of time. Australia reported that it was making good progress in its import risk analysis and a revised draft report was

underway. The analysis was very complex and characterized by a lack of information as Thailand had not provided new information on white spot syndrome virus.

11. Australia - Notification G/SPS/N/AUS/72 on quarantine requirements for chicken meat

Raised by:	Thailand
Supported by:	European Communities
Dates raised:	September 1998 (G/SPS/R/12, paras. 42-45), October 2001 (G/SPS/R/25, para. 37), June 2002 (G/SPS/R/27, paras. 135-137), November 2002 (G/SPS/R/28, paras. 190-192), April 2003 (G/SPS/R/29, paras. 60-62), June 2003 (G/SPS/R/30, paras. 54-56)
Relevant document(s):	G/SPS/N/AUS/72, G/SPS/GEN/90, G/SPS/GEN/96, see also G/SPS/R/13, G/SPS/GEN/137 and GSPS/W/107/Rev.1
Solution:	Not reported

48. In September 1998, Thailand stated that Australia's requirement for the importation of chicken meat was in excess of what was needed to protect health, and was not viable for commercial manufacturing. The European Communities added that Australia's recommended temperature and time requirements created an extreme and unnecessary barrier to trade, and committed to providing a list of relevant questions to Australia. Australia replied that its import requirements were based on scientific principles and data. AQIS had based the final heating requirements on research on the inactivation of infectious bursal disease virus (IBDV) strain CS88, a highly virulent strain exotic to Australia. Extensive consultations had been held with Thai and other quarantine authorities to discuss the issue, and Australia was prepared to provide any further information requested. Australia was considering whether additional scientific research could be usefully conducted to enhance scientific understanding and methods of inactivation of various poultry pathogens.

49. In October 2001, Thailand reported that the Department of Livestock Development was finalising its risk analysis on IBVD. A public hearing would be held before the analysis was presented to Australia. In May 2001, the OIE had agreed to conduct research on appropriate heat treatment to inactivate the IBD virus in poultry.

50. In June 2002, Thailand informed the Committee that its risk assessment on IBD virus in Thai cooked chicken meat to Australia showed that the risk of introducing IBDV to backyard flocks through cooked chicken meat was negligible. This report had been submitted to Australia in May 2002. Thailand hoped that within its new food safety mandate, the OIE would undertake work on IBD. Australia indicated that conditions for importation of cooked chicken had come into effect in August 1998, setting certain time and temperature cooking parameters. Thailand had applied for access for product from a certain facility, and had recently provided information. Australia would provide a response once the Thai document had been considered by an expert review group. The representative of the OIE reiterated his request that Members submit information on IBD to be able to make progress with the work undertaken by the OIE.

51. In November 2002, Thailand indicated that it was still waiting for a response from Australia on the basis of the risk assessment results. Australia noted that at its recent meeting the Australian risk analysis panel had examined the Thai document in detail. The panel had prepared technical comments and questions about aspects of the Thai risk assessment which would shortly be sent to the relevant Thai authorities. The representative of the OIE took note of the risk analysis document, and indicated that as soon as the OIE received more information and data from Members it would be in a position to review the OIE chapter through its expert working group.

52. In April 2003, Thailand stated that Australia's import risk analysis process was very complicated, unduly long and conducted without a specific timeframe. Australia responded that

current arrangements were the product of a science-based risk assessment which had not been formally challenged. Biosecurity Australia was studying Thailand's risk analysis on cooked chicken meat, received in May 2002, along with additional information provided in January 2003. Australia aimed to complete the current risk analysis on chicken as soon as possible.

53. In June 2003, Thailand reported that no progress had been made since it provided scientific information to Australia in May 2002. Australia noted that cooked chicken meat from Thailand was allowed into Australia if requirements were fulfilled, in accordance with scientific findings. The representative of the OIE indicated that they had considered the issue in January 2002 and had requested more and new scientific information, however, no new information had been forthcoming.

12. Australia – Ban on salmon imports

Raised by:	Canada, United States
Supported by:	
Dates raised:	October 1996 (G/SPS/R/6, paras. 13-15), March 1997 (G/SPS/R/7, para. 58)
Relevant document(s):	G/SPS/N/AUS/3
Solution:	Dispute settlement (W/DS18 and W/DS26, respectively). Mutually agreed resolution between Canada and Australia reported in May 2000.

54. In October 1996, the United States reported that Australia maintained a ban on North American fresh, chilled or frozen salmon on the grounds that imports might transmit diseases and pathogens to Australian fishery stocks. In 1994, Australia published a draft risk assessment which indicated there was little risk from imported North American salmon. However, Australia did not adjust its measure to reflect the results of that risk assessment, but instead undertook another risk assessment, completed in May 1996, which again failed to find a scientific basis for maintaining the ban. The United States expected that when the final report was published, the ban would be lifted, especially since the salmon in question complied with OIE standards.

55. Australia indicated that the 1995 draft risk assessment had been revised in response to the large number of comments received. Comments, including from the United Stated and Canada, had again been received on the 1996 draft risk assessment, which would be finalized by the end of 1996. Australia noted that the OIE standard did not meet its appropriate level of protection. In March 1997, Canada and the United States again noted their concern that Australia had decided to maintain its ban on salmon imports. Canada had formally requested the establishment of a panel in the Dispute Settlement Body.

Plant Health

13. Australia - Access of California table grapes

Raised by:	United States
Supported by:	Philippines on behalf of ASEAN, European Communities
Dates raised:	March 2001 (G/SPS/R/21, paras. 92-94), July 2001 (G/SPS/R/22, paras. 65-67), October 2001 (G/SPS/R/25, para. 26), March 2002 (G/SPS/R/26, para. 39).
Relevant document(s):	Raised orally
Solution:	Mutually agreed solution on a series of risk management procedures to be re-evaluated in a year.

56. In March 2001, the United States indicated that for the past 10 years there had been difficulties in exporting California table grapes to Australia. Even under Australia's new IRA process, delays and requests for additional information and documentation had continued, although nearly a

year had elapsed since the release of the import risk assessment (IRA). Australia had conducted additional studies, the latest focussing on the glassy-winged sharpshooter and Pierce's Disease. The United States maintained that these additional studies were not justified, and urged Australia to modify its import restrictions consistent with the IRA and its obligations under Article 5.1. Australia explained that the administrative process was not complete until the Director of Plant and Animal Quarantine made a final decision. Australia was free of Pierce's Disease and believed that there was a need for further scientific research. A mission of scientists to the United States in 2000 had raised questions about changes in the risk profile which required more information. Australia was willing to cooperate with the United States to learn more about this disease and its vector. The Philippines, on behalf of ASEAN, shared the US concern regarding Australia's phytosanitary regulatory process.

57. In July 2001, the United States expressed disappointment at Australia's apparent abandonment of its commitment to a transparent, science-based risk assessment system. The IRA process did not seem to have an end. Australia had initiated new studies whose chief purpose seemed to be to delay lifting the import prohibition on California table grapes. Australia had pointed to the relatively recent introduction of a leaf-hopping insect, the glassy-winged sharpshooter, although its own IRA had noted that the risks associated with this pest would be negligible. Australia had decided more research on risk mitigation for glassy-winged sharpshooters would be necessary. Table grapes in California were subject to numerous mitigations, and the United States was willing to address legitimate scientific concerns. However, additional research on a pest not found in shipments of table grapes was completely without scientific merit and was a delaying tactic. Australia indicated that the change in risk profile associated with the spread of Pierce's disease, and of its vector, the glassy-winged sharpshooter, in California required additional scientific information to ensure protection from quarantine risk.

58. In October 2001, the United States informed the Committee that constructive consultations had been held to discuss quarantine procedures. Both countries had agreed to continue the dialogue to work toward a resolution of the outstanding issues. Australia was confident that a mutually acceptable solution could be found soon.

59. In March 2002, the United States reported that following consultations, Australia and the United States had agreed on a series of risk management procedures to allow for the export of California table grapes to Australia. The risk management practices would be re-evaluated after one year.

14. Australia – Notification on methyl bromide

Raised by:	European Communities
Supported by:	
Dates raised:	November 2000 (G/SPS/R/20, paras. 95-96)
Relevant document(s):	G/SPS/N/AUS/118
Solution:	Not reported

60. The European Communities was concerned with Australia's proposed introduction of minimum standards for fumigation with methyl bromide, which required a minimum temperature of 10 degrees for fumigation. This new measure could significantly constrain EC exports. The European Communities requested additional information on Australia's risk assessment and any other relevant evidence. Australia responded that the proposed standard was the result of quarantine breaches involving ineffective fumigation treatment of various imported goods. To improve the efficacy of fumigation prior to export, Australia developed a standard reflecting best practice guidelines in the use of methyl bromide. Australia was still considering the comments it had received on its notification of this proposed measure, and implementation of the new measure would be delayed until early 2001. With regard to the minimum temperature requirement, this was based on

expert advice and reflected the minimum temperature requirement established by the European Plant Protection Organization.

15. Australia – Import restrictions on durian

Raised by:	Thailand
Supported by:	European Communities, India, Malaysia, Philippines on behalf of ASEAN
Dates raised:	November 2000 (G/SPS/R/20, paras. 11-14), October 2001 (G/SPS/R/25, paras. 107-108), June 2002 (G/SPS/R/27, paras. 133-134), November 2002 (G/SPS/R/28, paras. 187-189), April 2003 (G/SPS/R/29, paras. 48-50), June 2003, (G/SPS/R/30, paras. 50-53)
Relevant document(s):	G/SPS/GEN/217, G/SPS/GEN/218, G/SPS/N/AUS/83
Solution:	Not reported

61. In November 2000, Thailand reported that it had sought access to the Australian market for durian since 1991, but Australia had notified its draft import risk analysis only in February 1999. In August 2000, Australia informed Thailand that durian fruit imports would be permitted only under unduly restrictive conditions, including excessively trade restrictive sampling requirements. Furthermore, the seasonal limitation on shipments, as well as the requirement that fruit come only from the eastern region of Thailand, did not appear to be justified.

62. Australia noted that it had been difficult to obtain accurate information on the relevant anthropod pests and diseases present in Thailand, although the numerous bilateral contacts on this matter had resulted in an expansion of the scientific information available. Australia noted that the draft conditions established for import of fresh durian fruit had been discussed with the Thai government. The Australian delegate explained the justification for the requirements and acknowledged that the conditions were very strict, but justified based on the pest and disease situation of Thailand. Nonetheless, these conditions would be reviewed after one year of trade.

63. In October 2001, Thailand indicated that despite numerous bilateral meetings, no agreement had been reached. Thailand requested that Australia seek to adjust its import restrictions to make them more commercially viable. Australia replied that a risk analysis for durian had first been finalized in 2000. The risk assessment indicated that other non-destructive methods of sampling could be substituted if efficacy data could be presented to show they provided an equivalent level of protection. However, no information had been received from Thailand that X-ray technology or irradiation could be equally effective. Australia was keen to finalize bilateral arrangements so that inspections of packing houses and orchards could begin in Thailand and import permits be issued.

64. In June 2002, Thailand reiterated concerns that Australia required cutting of the product for inspection purposes, and applied an excessive sample size. Malaysia and the Philippines supported the concerns expressed by Thailand on this issue. Australia indicated their willingness to consider alternatives to destructive sampling if their efficacy was shown. On the basis of joint trials, X-ray technology appeared promising.

65. In November 2002, Thailand recalled that it had been seeking access to Australia's market for durian since 1991. The matter had been pursued on a bilateral basis, but to date no agreement had been reached. Thailand was of the view that Australia should have concluded its consideration of the alternative method of rapid scan for inspection of import durian. The Philippines, on behalf of ASEAN, expressed systemic concerns and noted their interest in monitoring developments in this matter. Australia reiterated that the import conditions were subject to review after the first year of trade, and that other less destructive methods of inspection could be substituted for fruit cutting, if efficacy data showed that it could provide an equivalent level of quarantine protection from the key

pests of concern. Australia was willing to continue to work with the Thai authorities to make progress on the assessment of non destructive inspection methods.

66. In April 2003, Thailand stated that there had been little progress on its concerns as the measures proposed by Australia were not commercially viable. Australia reported that alternative risk mitigation options such as pest free areas of production, pest free production sites and reproscan inspection methods were discussed by the joint Thai-Australian working group on agriculture on 3-7 March 2003. The Thai authorities were considering the pest free alternatives and had agreed to a joint collaborative trial of the reproscan inspection methods for the fruiting season in late April and June. A longer term solution might be irradiation and Australia understood that Thailand could be interested in conducting trails as no efficacy data was currently available.

67. In June 2003, Thailand indicated that Australia's requirements for fresh durian imports were not consistent with the obligations of Article 5.6 of the SPS Agreement. Australia replied that it had specified the use of internationally accepted measures such as destructive fruit cutting which was used by many countries. Australia was prepared to consider alternative ways to address the quarantine risks associated with Thai durian fruit.

16. Australia – Restrictions on imports of tropical fresh fruit

Raised by:	Philippines on behalf of ASEAN
Supported by:	Brazil, European Communities, India, Korea, Malaysia, Thailand, United States
Dates raised:	March 2000 (G/SPS/R/18, para. 67), June 2000 (G/SPS/R/19, paras. 15-20)
Relevant document(s):	G/SPS/GEN/189, G/SPS/GEN/194
Solution:	Not reported

68. In March 2000, the Philippines reported that its exports, including mangoes, bananas and pineapples, faced phytosanitary restrictions in Australia. Australia explained that in response to a request for access, Australia conducted an open, transparent and consultative process of scientific risk assessment and risk management to avoid the introduction of diseases. Both countries indicated that they were conducting bilateral consultations on the matter.

69. In June 2000, the Philippines pointed out that major ASEAN exports to Australia faced stringent SPS measures that were not based on a risk assessment. These measures were more restrictive than necessary, and should be reviewed within a reasonable period of time. Malaysia suggested Australia carry out ASEAN-wide risk assessments. Australia offered detailed comments on each of the points raised by the Philippines and noted that a formal response would be provided in due course. In response to Malaysia, Australia explained that pest risk analysis was specific to the trading partners involved and varied according to the exporter's pest status.

70. The United States urged Australia to expedite its decisions regarding market access for Florida citrus and California table grapes. Australia replied that an import risk analysis had been completed for table grapes, several appeals had been addressed, and the relevant information was about to be released. In response to Brazil’s comments regarding its market access applications for mango and papaya, Australia confirmed that these were on the list of matters to be considered by Australian risk analysts. With reference to India's concern about market access for mangoes, Australia reported that Indian authorities had provided helpful information regarding the efficacy of treatment for pests in mangoes, and that Australia was currently evaluating that information. Regarding EC concerns, Australia confirmed that an import risk analysis was being conducted on bulbs. Australia noted that it was necessary to set priorities for risk assessment given scarce financial and human resources.

17. Australia – Import Requirements for Netherlands Truss Tomatoes

Raised by:	European Communities
Supported by:	Philippines, Indonesia, Thailand
Dates raised:	April 2003 (G/SPS/R/29, paras. 25, 27), June 2003 (G/SPS/R/30, paras. 64 - 65)
Relevant document(s):	Raised Orally
Solution:	Not reported

71. The European Communities raised concerns that Australia was taking too long to conduct an import risk assessment for truss tomatoes due to reasons other than technical issues. The risk assessment was still incomplete after six years. In 1999 Australia presented a draft risk assessment on tomatoes without green parts despite the Netherlands' explicit request to export tomatoes on the truss. Truss tomatoes had been approved from New Zealand after New Zealand had approved Australian imports of the same product. On 26 March 2003, Biosecurity Australia unexpectedly indicated that there was no longer a need for a risk assessment for truss tomatoes. However, import conditions were still pending as a draft review of the quarantine requirements for the import of Dutch tomatoes needed to be circulated to stakeholders for comment. The European Communities felt that the time period necessary for Australia to conduct its import risk analysis was disproportionate to the risk and discriminated unjustifiably between WTO Members.

72. Australia explained that on 26 March, Biosecurity Australia announced that imports of truss tomatoes would be assessed as an extension of the technical policy recently developed for truss tomatoes from New Zealand – this would shorten the risk assessment process. The draft review would include draft import conditions and would be released to stakeholders with a 30-day comment period. The finalized review document would be available before the end of May 2003.

73. In June 2003, Australia reported that the draft import policy for truss tomatoes from the Netherlands had been issued and was publicly available and stakeholders invited to comment. A response to the Netherlands request for market access would follow soon. The European Communities expressed disappointment that the draft policy was still open for comments from stakeholders and therefore far from being finalized. The Philippines, speaking on behalf of Indonesia and Thailand, supported the views of the European Communities.

CONCERNS RAISED BY AUSTRALIA

Item Number	**Country Maintaining the Measure**
Food Safety	
Item 63	**European Communities** – *Maximum levels for certain contaminants (aflatoxins) in foodstuffs*
Item 124	***Korea*** – *Shelf-life requirements*
Animal Health and Zoonoses	
TSE Concerns	
Item 76	***EC*** *– Cosmetics and BSE*
Other Animal Health Concerns	
Item 85	***European Communities –*** *Measures on alpaca*
Item 86	***European Communities –*** *Measures on live fish (carp)*

Item Number	Country Maintaining the Measure
Plant Health Concerns	
Item 106	***Indonesia*** *– Fresh fruit and vegetables*
Other Concerns	
Item 112	***Japan*** *– Living Modified Organisms*
Item 126	***Korea*** *– Living Modified Organisms*

BOLIVIA

CONCERNS RELATED TO MEASURES MAINTAINED BY BOLIVIA

Animal Health and Zoonoses

Concerns related to FMD

18. Bolivia - FMD trade restrictions

Raised by:	Argentina
Supported by:	
Dates raised:	March 2002 (G/SPS/R/27, para. 30)
Relevant document(s):	Raised orally
Solution:	Not reported

74. Argentina informed that it was engaged in bilateral consultations with Bolivia on this matter.

Other Animal Health Concerns

19. Bolivia - Restrictions on poultry meat imports

Raised by:	Chile
Supported by:	
Dates raised:	November 2000 (G/SPS/R/29, para. 94), March 2001 (G/SPS/R/21, paras. 33-35), July 2001 (G/SPS/R/22, para. 132)
Relevant document(s):	Raised orally
Solution:	Agreement on a protocol and progress reported in July 2001.

75. In November 2000, Chile reported that in August 2000 it had consulted with the authorities of Bolivia, in the context of Article 5.8 of the SPS Agreement, regarding requirements on poultry meat imports with respect to Inclusion body hepatitis. This disease was endemic to Bolivia and restrictions on imports from Chile were not justified. Chile hoped that this issue would soon be resolved. The representative of Bolivia indicated that he would transmit this information to his authorities.

76. In March 2001, Chile noted that Bolivia had failed to notify the measure, and requested that a scientific risk assessment be carried out as quickly as possible. Bilateral discussions on the issue had ceased since August 2000. Bolivia explained that import conditions for poultry and other agricultural products had been changed because of problems which Inclusion body hepatitis caused in the bird population and the associated negative economic impact. During the last five years, Bolivia's state veterinary laboratories had determined the clinical absence of Inclusion body hepatitis in Bolivia, but the disease had been diagnosed in Chile. Regarding preventive vaccination, Bolivia stated that this

was justifiable only if the virus was present on a farm. Secondly, total protection against the disease was only possible if the serotype present in the vaccination was the same as that present in farm strains. Thirdly, successful protection depended on other immuno-suppressant factors, and in Chile there was a risk of Avian infectious anaemia. Bolivia's National Food and Agricultural Health Service was revising the standard, and would inform Chile of the results. Bolivia wished to solve the matter expediently and to the benefit of both parties.

77. In July 2001, Chile informed the Committee that the sanitary authorities of both countries had agreed to work on a protocol, and thanked Bolivia for the progress made.

CONCERNS RAISED BY BOLIVIA

Item Number	Country Maintaining the Measure
Food Safety	
Item 63	**European Communities** – *Maximum levels for certain contaminants (aflatoxins) in foodstuffs*

BRAZIL

CONCERNS RELATED TO MEASURES MAINTAINED BY BRAZIL

Food Safety

20. Brazil - Import requirements for wine

Raised by:	European Communities
Supported by:	
Dates raised:	May 1996 (G/SPS/R/5, para. 13), March 1997 (G/SPS/R/7, para. 23)
Relevant document(s):	G/SPS/N/BRA/13/Rev.1
Solution:	Not reported

78. In May 1996, the European Communities expressed concern that proposed Brazilian import requirements for wine had not been notified. The European Communities was concerned that Brazil was apparently requiring that establishments in exporting countries be inspected and approved by Brazilian authorities. The European Communities considered its own requirements for wine production to be at least equivalent to those in Brazil with respect to the safety of the product for the consumer, and planned to present written comments to Brazil once an SPS notification had been made.

79. In March 1997, the European Communities questioned Brazil's measure on wine exports, notified as G/SPS/N/BRA/13/Rev.1 on 6 February 1997, stating that it was not clear what requirements producers faced. The European Communities questioned whether inspection requirements for individual establishments were based on science, and expressed concern over certification requirements for individual consignments rather than more general, generic types of certification. Brazil noted that the proposed legislation would not be adopted before 16 May 1997, and that the full text of the proposed legislation was available from the Brazilian Enquiry Point. Although Brazil insisted that its legislation was in conformity with the SPS Agreement, and not substantially different from legislation in place in several European countries, it was open for bilateral discussions on the subject.

Animal Health and Zoonoses

Concerns related to TSEs

21. Brazil – Notification G/SPS/N/BRA/74 and 75 on BSE-related measures

Raised by:	Canada
Supported by:	United States
Dates raised:	April 2003 (G/SPS/R/29, paras. 91-93), June 2003 (G/SPS/R/30, para. 163)
Relevant document(s):	G/SPS/N/74 and 75
Solution:	Not reported

80. Canada expressed concern over the way Brazil applied the EC geographical BSE risk (GBR) system as the basis for classifying countries according to their BSE risk. Canada requested that Brazil conduct its own BSE risk analysis and classification of Canada and stated that it had sent a copy of its BSE risk assessment to the Brazilian authorities for their consideration.

81. The United States also questioned Brazil's use of the EC risk assessment classifications and noted that the European Communities had stated that its risk assessment classification system was not meant to serve as an international standard. Chapter 2.3.13 of the OIE International Health Code established the criteria for the determination of BSE risk of a country or region. The United States met the OIE criteria for a country free of BSE and had completed a risk assessment on all the factors for BSE occurrence. Active surveillance for BSE continued at levels far exceeding those of the international standard and a strong BSE awareness programme had been developed for veterinarians, farmers and others working with ruminants. The OIE Code recognized that certain tissues could be traded if they originated in countries, such as the United States, which was free of BSE. The United States believed that any measures against its exports of cattle, beef or any other products because of BSE were unjustified and not consistent with WTO obligations.

82. Brazil noted that human health concerns were at the root of the measures which referred to both the OIE international standards and the EC classification system. Thus far, Brazil had not been able to conduct a risk assessment for all countries and the provision of Canada's risk assessment would assist the Brazilian authorities in this regard. Brazil would take into consideration decisions reached at the OIE International Committee meeting in May 2003 when reviewing its measures.

83. In June 2003, Brazil reported that it had notified six regulations relating to BSE.

Other Animal Health Concerns

22. Brazil – Imports of live ostriches

Raised by:	European Communities
Supported by:	
Dates raised:	November 2002 (G/SPS/R/28, para. 97)
Relevant document(s):	G/SPS/N/BRA/67
Solution:	Not reported

84. The European Communities stated that they would bilaterally request clarification of the legal scope and scientific grounds for the measure. Brazil reported that the import restriction on live ostriches was due to the possible threats posed to the Brazilian poultry industry. The regulation that had been notified to the SPS Committee required that the OIE existing standards for inspection, supervision and quarantine requirements, both at the point of origin and the point of destiny, be

followed. Brazil took note of the request from the European Communities to provide the necessary risk assessment for the non OIE-listed diseases and agreed to convey this request to the relevant authorities.

Plant Health

23. Brazil – Pest risk assessments for imports of plant origin

Raised by:	Canada
Supported by:	Australia, European Communities, New Zealand, Peru, United States
Dates raised:	November 2002 (G/SPS/R/28 , paras. 77-79)
Relevant document(s):	G/SPS/N/BRA/65
Solution:	Not reported

85. Canada referred to Brazil's legislative requirement for pest risk assessments for all vegetable products imported into Brazil, published on 28 March 2002. While Canada did not challenge the right of Brazil to conduct pest risk analysis for imported commodities, they considered the measure as unduly restrictive of trade, in particular given that imports would be suspended on 27 November 2002, pending completion of the pest risk assessments. Canada had exported a number of products covered by this measure for many years without any particular concern, and requested Brazil to allow existing trade from well known sources to continue while the pest risk assessments were being completed. In this regard, Canada was prepared to provide the information required to facilitate the early completion of any risk assessments concerning products from Canada.

86. The United States did not believe that it was necessary or justifiable to ban or temporarily halt the importation of products while PRAs were being conducted unless there was a specific pest risk problem that would required such drastic action. Australia, the European Communities, New Zealand and Peru shared the concerns expressed by Canada and the United States and requested Brazil to withdraw the application of the measure.

87. Brazil stated that one key concern was that many PRAs were open-ended and the studies never came to completion. Brazil was reassessing the matter and considering alternatives to the PRAs, such as the possibility of extending the time-frame for implementation of the measure in the case of ongoing studies, including cases where documents had already been forwarded to Brazil. Brazil requested trading partners to identify their concerns in writing, so that responses could be provided by the competent authorities.

24. Brazil – Import requirements for seed potatoes

Raised by:	European Communities, Canada
Supported by:	Canada
Dates raised:	June 2002 (G/SPS/R/27 , paras. 24-26), November 2002 (G/SPS/R/28 , paras. 63-68), October 2003 (G/SPS/R/31, paras. 21-22)
Relevant document(s):	Raised orally
Solution:	Not reported

88. The European Communities reported stated that on 13 November 2001, the Brazilian authorities had given notice of new measures on imports of seed potatoes that Brazil had notified new measures on imports of seed potatoes, but had provided no delay for their implementation, no technical justification and had not respected the need for transparency. As one of the main suppliers to Brazil, the European Communities had commented on the measures, but Brazil's initial response had not addressed the EC's concerns and, in particular, had not identified the pest risk assessment justifying its measure. The requested information had been provided during bilateral consultations

held before the SPS Committee meeting, and the European Communities looked forward to continuing the bilateral process with Brazil. Canada expressed concern with Brazil's required export certification for non quarantine regulated pests, in contradiction to internationally agreed principles and practices. Canada was also involved in bilateral discussion with the Brazilian authorities and had requested Brazil to withdraw its measure. Brazil indicated that it hoped subsequent technical consultations would resolve the issue.

89. In November 2002, Canada expressed concerns regarding Brazil's required certification for pests that were not of economic significance nor a significant risk to plant health. Canada considered this to be an issue of quality that was more appropriately resolved between the buyer and the seller, and not by government certification schemes. Although Canadian technical officials were working with Brazil to complete a risk assessment, this issue was not being resolved as quickly as warranted. The European Communities requested Brazil to modify its measures on the basis of the technical arguments and proposals that had been made bilaterally and requested Brazil to postpone the implementation of these measures. The United States shared the concerns expressed by both Canada and the European Communities concerning the disruption of trade in seed potatoes and requested Brazil to revise their policy as soon as possible.

90. Brazil noted that consultations on the issue of seed potatoes had been carried out for some time. Brazilian experts were considering a new proposal from the European Communities and hoped to provide a reply as soon as possible. The Brazilian Directive aimed at enhancing market opportunities in relation to previous regulations by creating two new categories of imports for seed potatoes. Brazil was interested in diversifying their source of suppliers of seed potatoes given the strategic importance of the sector for Brazil. National producers were subject to the same considerations applicable to foreign providers, and his country's motivation could not be construed as restricting market access for seed potatoes. Brazil invited the European Communities to send a team of experts to become familiar with their system, and witness the fact that national producers were subject to the same considerations as the foreign suppliers. With respect to the comments made by Canada, Brazil recalled that the matter had been extensively discussed by authorities from both countries. The Brazilian legislation required that exporters of seed potatoes to Brazil had to have a certification system in place; apparently this was not the case for Canada. Brazil added that the concerns voiced by the United States would be transmitted to the competent authorities.

91. Canada clarified that Canada had a certification system for seed potatoes but that the certification system did not go into minor details on issues of quality. In response to Brazil's invitation, the European Communities suggested that Brazil should send a team of experts to inspect the production and food safety conditions within the European Communities.

92. In October 2003, the European Communities reported that following discussions with Brazil in October 2002, the European Communities had presented a proposal for a possible solution which Brazil had agreed to study. Brazil explained that it was in the process of discussing new regulations and hoped that the issue would be resolved shortly.

25. Brazil – Import prohibition of coconut palms and related products

Raised by:	Philippines
Supported by:	Malaysia, Sri Lanka
Dates raised:	June 1998 (G/SPS/R/11, paras. 25-26), September 1998 (G/SPS/R/12 and Corr.1, paras. 5-6)
Relevant document(s):	G/SPS/N/BRA/1
Solution:	Not reported

93. In June 1998, the Philippines submitted a series of detailed questions to Brazil regarding its import prohibition of coconut palms and related products. Brazil answered that the measure was in place to prevent the spread of quarantine pests. Brazil continued to import coconut palms and related products from pest-free countries, if shipments were accompanied by a phytosanitary certificate, but only one country had applied for pest-free status. Brazil stressed that its measure was in conformity with the SPS Agreement and the text of the IPPC, and that the risk assessment methodology used had been notified.

94. In September 1998, the Philippines reported that it had received no clear answers from Brazil, and reiterated its questions. Brazil specified which diseases it was concerned about. Its phytosanitary requirements had been extended to desiccated coconut, as there was a risk of transmission of pests or exotic pathogens. Nonetheless, Brazil was prepared to discuss proposals for risk evaluation and recognition of pest-free areas.

26. Brazil – Restrictions on imported wheat

Raised by:	United States
Supported by:	
Dates raised:	March 1997 (G/SPS/R/7, paras. 16-17), July 2001 (G/SPS/R/22, para. 127)
Relevant document(s):	G/SPS/GEN/265
Solution:	Import of certain classes of wheat allowed as of early 2001.

95. In March 1997, the United States raised concern regarding Brazilian restrictions on wheat imports intended to prevent the establishment of the fungus *tilletia controversa* (TCK bunt or Dwarf bunt). However, a 1996 bilateral agreement was based on the understanding that the fungus in question could not be established in Brazil, and the United States was not aware of scientific evidence that might alter this conclusion. Brazil responded that it had implemented new legislation on risk assessment and risk management for several products as a result of harmonization efforts in the MERCOSUR context. Thus, a certificate of origin was required for wheat, to establish that the product originated in a pest-free zone. Scientific consultations between Brazilian and US experts had yet to produce a final report on the risk posed by *tilletia controversa* and *tilletia indica* (Karnal bunt). The 1996 bilateral agreement did not preclude Brazil from applying its internal legislation.

96. In July 2001, the United States reported that following extensive technical consultations, Brazil had issued new import instructions in early 2001 that allow import of certain classes of US wheat (G/SPS/GEN/265). The United states considered this trade concern resolved.

CONCERNS RAISED BY BRAZIL

Item Number	**Country Maintaining the Measure**
Food Safety	
Item 61	***European Communities*** *– Notification G/SPS/N/EEC/62 of emergency measures on citrus pulp*
Item 63	***European Communities*** *– Maximum levels for certain contaminants (aflatoxins) in foodstuffs*
Item 65	***European Communities*** *– Restrictions on the importation of fruits and fruit juices*
Animal Health and Zoonoses	
TSE Concerns	
Item 28	***Canada*** *– Measures affecting imports of products containing Brazilian beef*

Item Number	Country Maintaining the Measure
Item 78	***European Communities*** *– Gelatin imports*
FMD Concerns	
Item 135	***Norway*** *– Restrictions on gelatin imports*
Item 149	***South Africa*** *– Restrictions on beef and pork*
Plant Health Concerns	
Item 121	***Japan –*** *Restrictions on mango*

BULGARIA

CONCERNS RAISED BY BULGARIA

Item Number	Countries Maintaining the Measure
Animal Health and Zoonoses	
TSE Concerns	
Item 2	***Argentina, Australia, Canada, Korea, New Zealand, United States*** *– Import restrictions affecting BSE-free countries*

CANADA

CONCERNS RELATED TO MEASURES MAINTAINED BY CANADA

Food Safety

27. Canada - Importation of cheese

Raised by:	European Communities
Supported by:	Switzerland
Dates raised:	May 1996 (G/SPS/R/5, para. 14)
Relevant document(s):	G/SPS/N/CAN/8
Solution:	Not reported

97. The European Communities raised concerns with a proposed Canadian requirement that cheese be pasteurized or produced from pasteurized milk. The European Communities considered that its measures, including production requirements, safe and correct sourcing and subsequent supervision in the various production stages from farm to consumer, provided at least equivalent guarantees in terms of food safety. The European Communities observed that a number of Members maintained restrictions on imports of raw milk cheeses from the European Communities which were not justifiable on health grounds. Canada noted that on request it would provide scientific documentation in support of the proposal, and that an expert advisory committee had been appointed to examine the matter.

Animal Health and Zoonoses

Concerns related to TSEs

28. Canada - Measures affecting imports of products containing Brazilian beef

Raised by:	Brazil
Supported by:	
Dates raised:	March 2001 (G/SPS/R/21, paras. 2-5)
Relevant document(s):	G/SPS/GEN/245, G/SPS/W/108, G/SPS/N/CAN/39, G/SPS/N/CAN/94
Solution:	Suspension lifted in February 2001.

98. Canada outlined its BSE policy, and informed Members of recent actions taken regarding the application of this policy. Imports from Brazil had recently been suspended because Brazil had not provided the information requested by Canada in order to carry out a risk assessment. Canada was especially concerned about the traceability of cattle imported from BSE-infected countries. Canada had lifted its suspension after receipt and analysis of documentation from Brazil and a visit to Brazil by scientists from Canada, the United States and Mexico. Canada reported that Brazilian authorities had agreed to certification requirements. Brazil regretted that Canada had not handled this matter in a more transparent manner, with prior notification and consultation. Brazil recalled its BSE-free status according to OIE classification, and its ban on feeding of ruminant material to cattle. Brazil had suffered many adverse effects from Canada's hasty embargo. This had raised awareness of certain shortcomings of the multilateral system in cases like this one. Brazil announced its intention to present proposals to the SPS Committee and the General Council to address these problems.

29. Canada - Zoosanitary import policies pertaining to BSE

Raised by:	European Communities
Supported by:	
Dates raised:	March 1997 (G/SPS/R/7, paras. 24-25)
Relevant document(s):	G/SPS/N/CAN/18
Solution:	Not reported

99. The European Communities argued that the Canadian policy went beyond what could be scientifically justified, and was furthermore not in conformity with the OIE Code. The European Communities noted that (i) no distinction was made between high and low incidence countries; (ii) there were provisions for whole-herd slaughter and slaughter of mother as well as of progeny despite BSE not being considered as a herd disease and unfinalized investigations on maternal transmission; and, (iii) the Canadian policy required BSE to have been notifiable for six years under an active surveillance programme and that imports would be allowed only after six years of absence of the disease. Also, the proposed policy implied that Canada would not accept meat from any country which had imported meat and bone meal from a country which had a case of BSE. Under these conditions only one EC member State would qualify to export meat to Canada. Canada explained that while the BSE policy was already in force, some changes were proposed. It was on these draft changes that comments were being sought. The time for comments would be extended.

Concerns related to FMD

30. Canada and the United States - Import restrictions due to FMD

Raised by:	Hungary
Supported by:	
Dates raised:	March 2001 (G/SPS/R/21, paras. 90-91), July 2001 (G/SPS/R/22, para. 133)
Relevant document(s):	Raised orally
Solution (if reported):	Not reported

100. In March 2001, Hungary expressed concern about reported US and Canadian import bans on Hungarian meat products in reaction to incidences of FMD in France. Canada and the United States clarified that they had not placed any restrictions on the importation of products from Hungary. In July 2001, Hungary reiterated its concern regarding US measures on meat and other animal products that were in force since May 2000. Hungary referred to G/SPS/GEN/266, which listed Hungary as a country free of FMD and rinderpest. The United States offered to work with the appropriate officials to explain the situation.

CONCERNS RAISED BY CANADA

Item Number	**Country Maintaining the Measure**
Food Safety	
Item 55	***European Communities*** *– Notification G/SPS/N/EEC/150 on traceability and labelling of genetically modified organisms and food and feed*
Item 124	***Korea*** *– Shelf-life requirements*
Item 140	***Philippines*** *– Certification of meat and dairy products*
Animal Health and Zoonoses	
TSE Concerns	
Item 1	***Argentina*** *– BSE related measures*
Item 21	***Brazil –*** *BSE measures*
Item 73	***European Communities*** *– EC transitional TSE measures*
Item 74	***European Communities*** *– EC geographical BSE risk assessment*
Item 97	***Hungary*** *– Restrictions on bovine products*
Item 98	***Hungary*** *– Restrictions on pork products*
Item 100	***India*** *– Import restrictions on bovine semen*
Item 173	***Uruguay –*** *BSE measures*
Other Animal Health Concerns	
Item 12	***Australia*** *– Ban on salmon imports*
Plant Health Concerns	
Item 23	***Brazil*** *– Pest risk assessments for imports of plant origin*
Item 24	***Brazil*** *– Import requirements for seed potatoes*
Item 90	***European Communities*** *– G/SPS/N/EEC/93 on wood packaging material*
Other Concerns	
Item 139	***Panama's*** *import licenses for agricultural products*

CHILE

CONCERNS RELATED TO MEASURES MAINTAINED BY CHILE

Food Safety

31. Chile, Czech Republic, El Salvador, Honduras, Slovak Republic – Zero-tolerance for *salmonella* in imported poultry products

Raised by:	United States
Supported by:	
Dates raised:	October 1996 (G/SPS/R/6, paras. 18-25), March 1997 (G/SPS/R/7, paras. 52-53), July 2001 (G/SPS/R/22, para. 127)
Relevant document(s):	G/SPS/GN/3, G/SPS/N/CZE/8, G/SPS/GEN/265
Solution:	Not reported

101. In October 1996, the United States indicated that a number of Members discriminated between standards for control of *salmonella* in domestic versus imported poultry products. Chile, the Czech Republic, El Salvador, Slovakia and Honduras applied so-called zero-tolerance standards, which was a misleading name since none of these Members appeared to have eradication or surveillance systems in place to establish non-existence of *salmonella* in domestic products.

102. The Slovak Republic responded that it did not apply a zero-tolerance standard, but rather required ante- and post-mortem treatment of slaughter poultry, for domestic and imported poultry meat. The Czech Republic clarified that its regulations required negative results on *salmonella* tests in poultry holdings and slaughterhouses. Czech requirements were laid out in the Draft Law on Foodstuff and Tobacco Products to be adopted in 1997, notified as G/SPS/N/CZE/8. No assurances had been received from the United States that these requirements would be met. The Czech Republic suggested bilateral consultations between veterinary experts. The representatives of Honduras and El Salvador indicated that they would inform their authorities of the statement made by the United States.

103. Chile observed that bilateral consultations on *salmonella* had started in 1992. The US concern was probably due to a misunderstanding of Chile's sanitary requirements, which required tests to determine the level of salmonella. The result was compared with the level of prevalence in the exporting country, which was part of Chile's risk assessment procedure. Chile was aware that the United States had difficulties in complying with this requirement given the high level of prevalence of *salmonella* domestically. Given the US situation, the Chilean government was prepared to show a certain flexibility and would consider imports of irradiated poultry from the United States as a possible alternative.

104. In March 1997, the United States reiterated its concerns. In particular, Chile had not substantiated its claim that salmonella was less prevalent in domestic poultry stocks compared to the imported product, and the Czech Republic continued to maintain a zero-tolerance policy. Furthermore, the United States was interested to know when legislation would be implemented to harmonize requirements for poultry meat imports in the Central American Common market. In response, Chile recalled its arguments made at the previous meeting, and remained open to further discussion with the United States. In February 2001, the Czech Republic reported that its new Law on Foodstuff and Tobacco Products had been adopted (decree 298/1997), and than it had been in contact with the United States since then.

105. In July 2001, the United States reported that it was still discussing the matter with Chile (G/SPS/GEN/265).

Animal Health and Zoonoses

Concerns related to TSEs

32. Chile - Pet food import requirements

Raised by:	Argentina
Supported by:	United States
Dates raised:	March 2002 (G/SPS/R/26, paras. 21-23)
Relevant document(s):	G/SPS/N/CHL/104, G/SPS/GEN/302
Solution:	Not reported

106. Argentina raised concerns about Chile draft standard that would require imports of pet food containing meat and bonemeal from ruminants to undergo thermal treatment (G/SPS/N/CHL/104).. This requirement was stricter than the OIE recommendations and lacked sufficient scientific grounds and risk analysis to justify this higher level of protection (G/SPS/GEN/302). The EU Scientific Steering Committee had given Argentina a Level 1 rating, i.e. "highly unlikely that domestic cattle are (clinically or pre-clinically) infected with BSE agent". The United States indicated that the OIE Animal Health Code did not recommend that countries free of BSE undertake the treatment outlined in the notification. The United States hoped that the Chilean authorities would take the results of the Harvard Risk Analysis into account.

107. Chile stressed that a distinction had to be made between countries free of BSE and countries free of TSEs; the draft Chilean measure also included the latter within its scope. Chile further clarified that the procedures had to be applied to raw materials in pet food and not to the final product.

Concerns related to FMD

33. Chile - FMD restrictions

Raised by:	Argentina
Supported by:	Brazil, United States
Dates raised:	October 2001 (G/SPS/R/25, paras. 90-91), March 2002 (G/SPS/R/26, paras. 40-41), June 2002 (G/SPS/R/27, para. 126)
Relevant document(s):	G/SPS/N/CHL/102
Solution:	Not reported

108. Argentina was concerned about Chile's draft regulations on fresh or frozen beef, which categorized countries according two categories: FMD-free with or without vaccination. These draft rules seemed to be more restrictive than the OIE standard, which allowed for the possibility of permitting imports from FMD-infected countries or zones as long as certain risk mitigation procedures had been used. Argentina requested Chile to provide sufficient scientific justification as required by Article 3.3. Chile replied that that it was premature to discuss the issue as the draft regulation had not yet been circulated internationally and a bilateral technical meeting was scheduled for early November. The deadline for public comments had only just passed and comments received had not yet been considered. Chile had not yet been asked to provide a risk assessment by the Argentine authorities.

109. In March 2002, Argentina referred to Chilean notification G/SPS/N/CHL/102 on fresh and frozen meat controls. It appeared Chile would permit imports from countries in one of two categories: FMD free without vaccination or FMD free with vaccination. The draft Chilean regulation did not allow for the import of fresh or frozen bovine meat from countries with zones infected with FMD. As such, the requirement was more demanding than the OIE Animal Health Code which permitted

imports if risk mitigation procedures were followed in countries where FMD was present. Argentina requested Chile to amend its draft regulation to reflect the OIE code, or to show sufficient scientific grounds for not applying the international reference standard. Brazil supported Argentina and the United States stated that they had sent written comments to Chile and hoped that these comments would be taken into account.

110. Chile explained that the entry into force of the measures in question had been postponed twice to enable other trading partners to make additional comments. Controlling the 1987 outbreak of FMD in Chile had cost $8.5 million and forced the eradication of 30,000 animals – a considerable cost for Chile. Nevertheless, Chile planned to allow for the possibility of importing from countries not recognized as FMD free by the OIE, on the basis of a risk assessment by the Chilean authorities. In the case of Argentina, Chile had not learnt of the FMD outbreak in that country through their bilateral usual channels so the normal risk analysis procedures could not be applied and emergency measures had had to be instituted.

111. In June 2002, Argentina reported that progress had been made towards resolving this issue at bilateral meetings.

Plant Health

34. Chile – Restrictions on imports of wheat and fruit

Raised by:	United States
Supported by:	
Dates raised:	March 1997 (G/SPS/R/7, paras. 18-19), July 2001 (G/SPS/R/22, para. 127)
Relevant document(s):	G/SPS/GN/14, G/SPS/GEN/265
Solution:	Restrictions on wheat removed in October 1997. Import access granted for certain fruit; consultations on other fruit continuing.

112. In March 1997, the United States expressed concerns that Chile's import requirements for wheat and fruit did not recognize regional conditions in line with the SPS Agreement, nor IPPC guidelines relating to pest-free areas. With respect to wheat, Chile replied that the United States had not asked to be recognized as free of *tilletia indica* (Karnal bunt). Regarding fruit, Chile stressed that it had recognized areas free of the fruit flies *anastrepha fraterculus* and *ceratitis capitata* (Mediterranean fruit fly) in California, which would facilitate the entry of US exports.

113. In July 2001, the United States reported that following bilateral discussion, Chile had removed restrictions on US wheat in October 1997 (G/SPS/GEN/265). Import access had also been granted for grapes, kiwis, avocados and lemons from California, apples and pears from Washington, and raspberries and shelled nuts from all US states. According to the United States, Chile was preparing new rules to allow imports of additional products. The United States was working with Chile on import conditions for other fruit.

CONCERNS RAISED BY CHILE

Item Number	Country Maintaining the Measure
Animal Health and Zoonoses	
TSE Concerns	
Item 75	***European Communities*** *– Restrictions on the use of fishmeal*
Other Animal Health Concerns	
Item 19	***Bolivia*** *– Restrictions on poultry meat imports*
Item 84	***European Communities*** *– Salmonella-related restriction on fishmeal imports*
Plant Health Concerns	
Item 171	***United States****– Actions taken by local governments*
Item 183	***Certain Members –*** *Implementation of ISPM 15 on wood packaging material*

CHINA

CONCERNS RELATED TO MEASURES MAINTAINED BY CHINA

Food Safety

35. China – Food safety regulations affecting agricultural products produced from modern biotechnology

Raised by:	United States
Supported by:	Argentina, Australia, Canada
Dates raised:	March 2002 (G/SPS/R/26, paras. 12-14), June 2002 (G/SPS/R/27, paras. 21-23), November 2002 (G/SPS/R/28, paras. 93-94)
Relevant document(s):	G/SPS/N/CHN/10
Solution:	Not reported

114. In March 2002, the United States but expressed serious concerns about China's Ministry of Agriculture implementing regulations for the management agricultural biotechnology products. These regulations, originally published on 6 June 2001, were released, without warning on 7 January 2002. The regulations, which required pre-market approval and mandatory labelling of biotech products and affected GMO imports, were scheduled to go into effect on 20 March 2002. The United States noted that China had not notified these regulations to the WTO, precluding any chance for comment by interested WTO Members. Furthermore, certain aspects of the new regulations appeared to be inconsistent with WTO rules, and established different approval procedures for imported and domestic products. The United States welcomed the interim measures issued on 11 March 2002, which streamlined measures for the importation of biotech agricultural products through 20 December 2002. Canada, Argentina and Australia associated themselves with the concerns expressed by the United States.

115. China explained that public anxiety country over the safety of GM agricultural products and foods had led the Chinese Government to issue regulatory rules in May 2001. As China was not at that time a WTO Member, it had no obligation to make a notification. However, China intended to notify the three implementing measures issued in January 2002t once the English versions had been finalised.

China reported that bilateral consultations had been held with the major parties concerned and that interim measures had been introduced to avoid disruption of normal trade.

116. In June 2002, the United States reported that China's Ministry of Health had issued a decree on biotech safety and labelling on 8 April 2002. The decree would take effect on 8 July, but the Ministry of Health had not issued implementing regulations. Additionally, the decree had not been notified. The United States believed that mandatory labelling for biotech products that were substantially equivalent to their conventional counterparts had no scientific justification. Under such circumstances, labelling wrongly implied a possible risk to the consumer. US companies exported to China over US$ 1 billion/year of biotechnology products, including soybeans and corn, and processed products. The United States requested an interim period for implementation of the decree, to allow sufficient time for compliance by exporters. Canada and Argentina shared the concerns expressed by the United States. China explained that the failure to notify the measure in advance had been inadvertent, and invited Members to send comments to its Enquiry Point or directly to the Ministry of Health. China also expressed an interest in holding bilateral consultations with interested WTO Members.

117. In November 2002, the United States and Argentina expressed concern regarding the implementation dates proposed for the April regulations and requested China to consider ways to reduce the possible trade effects. Argentina also reported that it had held bilateral consultations with China on this matter. China clarified that notification of the draft regulation had been submitted just prior to the last SPS Committee meeting. China's Ministry of Health had agreed to extend the interim period for one year.

36. China – Zero tolerance for e-coli

Raised by:	United States
Supported by:	
Dates raised:	November 2002 (G/SPS/R/28, paras. 87-88)
Relevant document(s):	G/TBT/N/CHN/6
Solution:	Not reported

118. The United States recognized the need for China to reduce bacterial contamination on raw meats and poultry products to the lowest achievable level but had two concerns related to this notification. The United States believed that the complete elimination of enteropathogenic bacteria in raw meats and poultry products was not achievable using existing technologies and practices and they were interested in more information related to the risk assessment that had been used as the basis for this zero tolerance. Experience in the United States had shown that carcasses of normal healthy birds and animals could still contain a variety of bacteria, including those of concern to China, but proper preparation and handling could eliminate health concerns. As the basis of China's notification appeared to be food safety and human health concerns, the United States requested that China also notify this proposed regulation under the SPS Agreement. China agreed to consult with the standardizing agency and take the necessary steps.

37. China – Import ban on products of Dutch origin

Raised by:	European Communities
Supported by:	
Dates raised:	June 2002 (G/SPS/R/27, paras 31-32), November 2002 (G/SPS/R/28, paras 73-74), April 2003 (G/SPS/R/29, paras. 82-83), June 2003 (G/SPS/R30, paras. 39-40)
Relevant document(s):	Raised orally
Solution:	Ban on Dutch products lifted

119. The European Communities stated that the Chinese authorities had suspended imports of all products of animal origin from the Netherlands after detection of one positive consignment in a single category of products. The European Communities considered this measure to be more trade restrictive than necessary, and noted that in a similar situation with regard to Chinese products, the European Communities had given China sufficient time to solve problems of detection of the presence of chloramphenicol in their products.

120. China noted that the use of chloramphenicol in animal foodstuffs had been prohibited in EC member States since 1994. When the substance had been detected in Dutch products, China had imposed a provisional ban and immediately alerted the Dutch authorities. China had received part of the information requested, and was waiting for further information so as to review its measure. The representative of China reported that the problem apparently arose due to Dutch imports of feedstuffs from some eastern European countries, which gave rise to concerns regarding Dutch import control measures, residue monitoring systems and export control measures.

121. In November 2002, the European Communities reported that some progress had been made, however they requested China to increase efforts to resolve the issue. The European Communities considered this a disproportionate reaction to a problem that could have been resolved in a mutually satisfactory manner without disrupting trade. China observed that other countries had faced similar problems with Dutch products. His country was working to remove the ban remaining for some products. For this purpose, the Netherlands had been invited to provide information to enable China to conduct a risk assessment, as soon as possible.

122. In April 2003, the European Communities reported that China had lifted restrictions on certain products of no real trade significance, but no satisfactory solution had yet been found for a large number of animal products of Dutch origin, in particular dairy products. In December 2002, the European Communities had supplied the information requested by China. In March 2003, China requested additional information and indicated that an inspection mission would be necessary before anything further could be done. The European Communities questioned why this inspection visit had not been proposed sooner.

123. China responded that it had lifted the ban on certain products on 25 December 2002, after receipt of information from the European Communities. For other products, China had been waiting for almost one year on the Netherlands' residue monitoring and assessment controls. Based on the information provided to date, China had identified significant defects with respect to conformity with the relevant EC directives, including sampling of dairy products and casings. An inspection visit was necessary to address these outstanding issues. The receipt of additional information from the Netherlands on 21 March 2003 would enable the visit of China's inspection team in the near future.

124. In June 2003, the European Communities reported that the Chinese embargo on products from the Netherlands had been lifted and the European Communities believed this issue now resolved. China reaffirmed that the ban on Dutch products had been lifted after an inspection visit and the conclusion of a risk assessment.

Animal Health and Zoonoses

Concerns related to TSEs

38. China - Import requirements for cosmetics

Raised by:	European Communities
Supported by:	
Dates raised:	June 2002 (G/SPS/R/27, paras. 13-14), November 2002 (G/SPS/R/28, paras. 50-51), June 2003 (G/SPS/R/30, paras. 39-40)
Relevant document(s):	Raised orally
Solution:	Not reported

125. The European Communities noted that China had imposed import restrictions on cosmetics beginning in March 2002. The new regulations prohibited cosmetics containing certain ingredients of animal origin from 18 countries having officially declared the existence of BSE. Cosmetics from these 18 countries required certification that they did not contain specified products of bovine or ovine origin. According to China's notification, the justification of the measure was to prevent introducing BSE into China. The European Communities considered that the measures were in contradiction to the SPS Agreement. China had notified its measures as emergency measures, whereas BSE had been present in those countries for many years and there was no new scientific evidence indicating a particular risk from cosmetics. In addition, the measures had no scientific basis and went far beyond the OIE standard on BSE and were disproportionate compared to the risks. The measures were also discriminatory, because they did not apply in the same manner to all countries where identical sanitary conditions prevailed. The European Communities requested that China make available the scientific justification and the risk assessment underlying the measure.

126. China indicated that it only prohibited the importation of cosmetics derived from bovine or ovine brains, placenta, nerves, etc. from BSE-infected countries and regions, in accordance with the OIE and WHO recommendations. China had notified its measure and requested exporting countries to provide the names and signatures of the authorities responsible for issuing the certificates ensuring that the cosmetics met the Chinese requirements. Several EC member States had proceeded accordingly and China had recognized, or was in the process of recognizing, the competent certifying authorities of those member States.

127. In November 2002, the European Communities reported good progress in resolving this issue. Extensive bilateral trade in cosmetics between China and the European Communities had taken place before China introduced the new provisions, and in particular the protective measures related to BSE. EC experts on BSE-related risk assessment were to visit Beijing, and both countries were hopeful that the discussions would lead to a resolution of the problem.

128. In June 2003, the European Communities reported that further progress was made as China had presented a list of prohibited products. China responded that it was willing to review its regulations and welcomed continued dialogue.

Other Animal Health Concerns

39. China – Quarantine measures for the entry and exit of aquatic products

Raised by:	European Communities
Supported by:	United States
Dates raised:	April 2003 (G/SPS/R/29, paras. 33-35), June 2003 (G/SPS/R/30, para. 39, 59-60)
Relevant document(s):	G/SPS/N/CHN/17
Solution:	Measure notified and comments solicited

129. The European Communities noted that Decree No.31, due to enter into force in June 2003, had not been notified to the WTO. The European Communities, therefore, were not able to assess the decree and comment on it. The Chinese authorities were requested to notify the measure to the WTO and suspend its entry into force for four additional months to allow Members a chance to comment on it and for permits to be issued to exporters. The United States echoed the concerns of the European Communities.

130. China explained that Decree 31 was notified to the WTO as part of a notification covering China's existing laws on animal and plant quarantine and on sanitation, inspection and certification of imports and exports of food products at the time of its WTO accession. The purpose of the Decree was to standardize the standards of quarantine for aquatic animals and to improve transparency of procedures in line with WTO obligations on transparency and consistency. The regulation did not contain any new technical requirements and thus did not need to be notified to the WTO. Nonetheless, China would consider any comments from Members. China had decided to delay the date of entry into force from 10 December 2002 until 12 June 2003, so as to minimize any trade impact. On 23 December 2002, AQSIQ sent a notice to all foreign embassies in Beijing and requested them to identify which governmental authorities had responsibility for issuing certificates for export to China, and to submit a model certificate so that China could verify the certificates.

131. In June 2003, the European Communities reported that China had notified its Decree 31 on aquatic products and had provided a comment period.

Plant Health

40. China – Regulation on wood packaging material

Raised by:	European Communities
Supported by:	
Dates raised:	November 2002 (G/SPS/R/28, paras. 38-39), June 2003 (G/SPS/R/30, paras. 39-40)
Relevant document(s):	G/SPS/N/CHN/14,
Solution:	Not reported

132. The European Communities stated that a number of aspects of the Chinese regulation on wood packaging material, notified as G/SPS/N/CHN/14, caused serious problems. There were important discrepancies between the Chinese legislation and relevant guidelines from the IPPC, in particular ISPM 15. The European Communities had gone to considerable lengths to address the concerns of the Chinese authorities, and a lot of progress had been made in particular following a visit from a number of experts to China. The European Communities encouraged China to come into conformity with the IPPC standard as expeditiously as possible, and to work towards resolving the issue.

133. China reported that during 2001 and 2002, large numbers of pests were regularly detected by the inspection and quarantine authorities of China in wood packaging material from the European Communities. China had notified this situation to the European Communities repeatedly, and finally decided to take emergency measures on 19 April 2002 in order to prevent the introduction of dangerous wood pests, and to ensure the protection of the environment, forestry and tourism resources in the country. The notification and the risk analysis report were sent to the European Communities for comments, to which China replied in detail on 17 June 2002. Following that date no further comments had been received from the European Communities; the measure had been imposed on 28 June 2002, and notified to the WTO. The measure was based on scientific principles and on a risk analysis in line with the relevant provisions of the SPS Agreement.

134. In June 2003, the European Communities reported that they had now adopted the IPPC standard and China has promised to do the same. China reaffirmed that it was committed to following the IPPC standard.

41. China – Import restrictions for citrus and other fruits related to fruit fly

Raised by:	Argentina
Supported by:	
Dates raised:	March 2002 (G/SPS/R/26, paras. 24-25), June 2002 (G/SPS/R/27, paras. 50-51)
Relevant document(s):	Raised orally
Solution:	Not reported

135. Argentina noted that bilateral consultations were on-going with the Chinese authorities to overcome difficulties related to the export of apples, pears and citrus fruit to China due to the latter's fruit-fly restrictions. Various procedures, including the use of cold treatment, were being used to overcome these difficulties. Argentina requested the Chinese authorities to provide a list of outstanding questions related to risk assessment and further information requests.

136. China explained that Medfly and South American fruit fly had not been reported in China and that a risk assessment by Chinese experts had concluded that the risk of introducing these pests from Argentina was high. China was requesting Argentina to provide data on the efficacy of cold treatment against fruit flies and to demonstrate that it could provide an equivalent level of protection in comparison with importing from pest-free areas. China noted that establishing pest-free areas was not practicable for all pests, as recognized by the IPPC standard, and that countries with advanced research on fruit fly control and quarantine did not accept importation from countries where the pest had previously been present, even if they were currently pest-free. China was open to bilateral technical discussions and joint research with Argentina on this issue.

137. In June 2002, Argentina informed that despite having held bilateral consultations with China, the issue was not resolved. China indicated that it was prepared to consider alternative treatments, but had not yet received any technical data demonstrating that establishing pest free production places and cold treatment could provide equivalent protection to the establishment of pest-free areas.

CONCERNS RAISED BY CHINA

Item Number	Country Maintaining the Measure
Food Safety	
Item 70	***European Communities –*** *Maximum residue limits in plant and animal products*
Item 110	***Japan's*** *amendment of the food sanitation law*
Item 111	***Japan – Maximum residue levels for chlorpyrifos***
Animal Health and Zoonoses	
TSE concerns	
Item 80	***European Communities –*** *Regulations on animal by-products*
Plant Health Concerns	
Item 141	***Philippine –*** *Notification on Chinese fruit*
Item 165	***United States****—Restrictions on imports of Chinese potted plants in growing medium*

COLOMBIA

CONCERNS RELATED TO MEASURES MAINTAINED BY COLOMBIA

Animal Health and Zoonoses

Concerns related to FMD

42. Colombia - FMD restrictions

Raised by:	Argentina
Supported by:	
Dates raised:	March 2002 (G/SPS/R/26, paras. 18-19), June 2002 (G/SPS/R/27, paras. 44-45), November 2002 , (G/SPS/R/28, paras. 56-58), April 2003 (G/SPS/R/29, paras. 74-75), June 2003 (G/SPS/R/30, para. 44), October 2003 (G/SPS/R/31, para. 37)
Relevant document(s):	Raised orally
Solution:	Restrictions lifted on bovine meat from Argentina

138. Argentina reported that Colombia had restricted imports of certain products from Argentina on 26 September 2001, after the FMD outbreaks in Argentina. Colombia had agreed to accept Argentine products for which risk mitigation techniques could be applied according to the OIE code, and on 17 October 2001 had published new measures specifying those processed products which could be imported. An inspection visit by the Colombian sanitary services in late October 2001 complemented the information provided by the Argentine services. However, Argentina was unable to export the products in question due to continued information requests from Colombia. Colombia noted that it had replied to comments and questions from Argentina in November 2001 and March 2002. Argentina did not have establishments authorised by the Colombian Livestock Institute (ICA) to export risk products to Colombia. Colombia was considering the process and production methods at Argentine establishments to inactivate the virus in risk materials, and if satisfactory, Argentine establishments would receive the necessary ICA authorization.

139. In June 2002, Argentina indicated that its exports continued to be restricted. Colombia recalled that no plants in Argentina were currently certified to export to Colombia. However,

Colombia had identified 10 plants in Argentina for which it needed to update information, and another 38 plants which it proposed to visit for the first time. Only 21 of these establishments had provided the information needed for the Colombian Agricultural Institute to undertake certification visits.

140. In November 2002, Argentina noted that Colombia continued to prohibit Argentine meat despite the fact that there had been no new outbreaks in Argentina for nine months. Colombia still had not carried out inspections of 21 packing plants which Colombia claimed was necessary before trade in beef meat could resume. Colombia stated that Argentina had blocked imports of fresh flowers from Colombia, and requested Argentina not to link these two issues. Argentina indicated that there was no linkage to Colombian flowers, and asked Colombia to provide information as to whether it would carry out the veterinary inspections in Argentina so that beef meat exports could resume.

141. In April 2003, Argentina noted that it had not received a reply from Colombia on the completed questionnaire concerning chilled products. No in-situ inspections had taken place that would lead to a lifting of these restrictions nor had Argentina received any requests for further information. Noting Colombia's concern over cut flowers, Argentina stated that it did not maintain any restriction on the import of flowers from Colombia. Colombia stated that it enjoyed a favourable FMD situation but allowed the importation of low risk products. High risk products, however, were banned from Argentina and this was notified to the WTO. Establishments of origin had to be authorized by the Colombian sanitary service and a programme of visits to Argentina had been planned. Information from Argentine authorities was required with regard to the serological and epidemiological assessment of FMD, vaccination coverage, and the dates on which the status of disease freedom both with or without vaccination were achieved. Colombia considered the Argentine decision to suspend the import of cut flowers in November 2001, without a WTO notification, to be unjustified.

142. In June 2003, Argentina reported that progress had been made and that inspections of Argentine meat plants by Colombian officials were being planned. Colombia noted that once the necessary information was provided by Argentina, Colombian authorities would carry out the necessary missions. The good progress in the case of bovine exports from Argentina to Colombia was similar to the progress made on the issue of flower exports from Colombia to Argentina.

143. In October 2003, Argentina reported that the issue had been resolved at the end of September 2003, and that Colombia had eliminated its restrictions. Colombia confirmed that the issue had been resolved, and that exports of flowers from Colombia to Argentina had also been discussed during the meeting.

CONCERNS RAISED BY COLOMBIA

Item Number	**Country Maintaining the Measure**
Food Safety	
Item 72	**European Communities (Germany) –** *Maximum tolerance levels for ocratoxin A in coffee*
Other Concerns	
Item 178	***Venezuela –*** *Restrictions on imports of potatoes, fresh mushrooms, fresh tomatoes, fertilised eggs, day-old chicks and meat products*

COSTA RICA

CONCERNS RAISED BY COSTA RICA

Item Number	Country Maintaining the Measure
Animal Health and Zoonoses	
Other Animal Health Concerns	
Item 95	***Honduras –*** *Import restrictions on chicken meat imports*

CÔTE D'IVOIRE

CONCERNS RAISED BY CÔTE D' IVOIRE

Item Number	Country Maintaining the Measure
Food Safety	
Item 56	***European Communities –*** *Directive 2000/42 on pesticide residues*

CROATIA

CONCERNS RELATED TO MEASURES MAINTAINED BY CROATIA

Animal Health and Zoonoses

Concerns related to TSEs

43. Croatia – Import measures on live animals and meat products

Raised by:	Hungary
Supported by:	European Communities
Dates raised:	June 2003 (G/SPS/R/30, paras. 28-31), October 2003 (G/SPS/R/31, paras. 132 – 134)
Relevant document(s):	G/SPS/GEN/416
Solution:	Not reported

144. Hungary expressed concern with measures taken by Croatia to ban imports of live animals and meat products. The ban, supposedly to provide protection against BSE, entered into force with immediate effect and was never notified. The ban applied to all meat products, including fish and poultry, as well as live animals. These could only be imported if the exporting country certified that no animal protein had been used as feed. As there was no scientific justification for the measures and since it did not apply to domestic producers, Hungary considered the ban a disguised restriction on international trade. The European Communities expressed support for Hungary's concerns. The European Communities had requested information from Croatia but did not receive any reply.

145. Croatia maintained that the measure was imposed to keep its present status as a BSE-free area in order to protect its exports of meat products. The measures taken were in accordance with established international rules and with the measures taken by the European Communities. Countries which had provided the necessary information had been exempted from the ban, e.g., Bulgaria and Romania. Croatia requested Hungary to submit the necessary information.

146. In October 2003, Croatia reported that meetings between veterinarians from Hungary and Croatia were held to resolve the issue. The European Communities noted that the statement made by Croatia at the June meeting and circulated in document G/SPS/GEN/416, that its measures were consistent with EC legislation was inaccurate. EC legislation did not prohibit imports.

Other Animal Health Concerns

44. Croatia – Restrictions on pork imports

Raised by:	Slovenia
Supported by:	
Dates raised:	April 2003 (G/SPS/R29, paras. 203-204)
Relevant document(s):	
Solution:	Not reported

147. Slovenia reported that decrees issued in March by the Croatian Ministry of Agriculture shortened the validity dates on veterinary import permits from six to three months. The reason given for this was market disturbances due to oversupply of meat in the Croatian market. The measure was not notified to the WTO and was in breach of the WTO Agreements on SPS, Agriculture and Import Licensing Procedures.

148. Croatia stated that it had not adopted or implemented any measures to restrict imports of pork meat and products. As of January, Croatia was developing a computerized integrated system for veterinary control of border crossings. This required adjustments to the procedures for application and issuance of veterinary approvals. An important element of the new simplified system was that the period for issuance of approvals had been shortened from 30 or 60 days to only 15 days. Bilateral discussions between competent authorities would clarify the situation.

CONCERNS RAISED BY CROATIA

Item Number	**Country Maintaining the Measure**
Animal Health and Zoonoses	
TSE Concerns	
Item 2	***Argentina, Australia, Canada, Korea, New Zealand, United States —*** *Import Restrictions affecting BSE-free countries*

CUBA

CONCERNS RELATED TO MEASURES MAINTAINED BY CUBA

Animal Health and Zoonoses

Concerns related to FMD

45. Cuba – Import restrictions on spiced pork and salted meat products

Raised by:	Argentina
Supported by:	
Dates raised:	June 2002 (G/SPS/R/27, paras. 15-16), November 2002 (G/SPS/R/28, para. 182)
Relevant document(s):	G/SPS/GEN/325
Solution:	Not reported

149. Argentina indicated that exports of spiced pork and salted meat products to Cuba were prohibited due to Cuba's zero risk approach with regard to FMD (G/SPS/GEN/325). Argentina had submitted evidence that the FMD virus would not be transmitted as a result of the processing of these products. Moreover, Argentina's proposed certification fully complied with OIE standards. Nonetheless, Cuba only permitted imports of bovine meat from countries free of FMD without vaccination. Argentina requested Cuba to lift its restrictions, or to provide sufficient scientific evidence to justify its measure. Cuba indicated that bilateral consultations had been initiated on the issue.

150. In November 2002, Argentina reported that a few technicalities needed to be sorted out before the issue was completely resolved.

Plant Health

46. Cuba - Restrictions on apples and pears

Raised by:	Argentina
Supported by:	
Dates raised:	October 2001 (G/SPS/R/25, para. 101)
Relevant document(s):	Raised orally
Solution:	Not reported

151. Argentina expressed concerns that Cuba did not accept cold treatment as a quarantine treatment for apples and pears. Bilateral consultations had been held, and Argentina expected further information from Cuba on this issue.

CONCERNS RAISED BY CUBA

Item Number	**Country Maintaining the Measure**
Food Safety	
Item 53	***European Communities*** *— Pesticide and antibiotic limits in honey (Directive 96/23)*

CZECH REPUBLIC

CONCERNS RELATED TO MEASURES MAINTAINED BY CZECH REPUBLIC

Food Safety

47. Czech Republic - Prohibition of poultry meat imports from Thailand

Raised by:	Thailand
Supported by:	
Dates raised:	September 1998 (G/SPS/R/12, paras. 81-82), November 1998 (G/SPS/R/13, paras. 39-40), March 1999 (G/SPS/R/14, para. 16), July 1999 (G/SPS/R/15, para. 8), November 1999 (G/SPS/R/17, para. 5)
Relevant document(s):	G/SPS/N/CZE/16
Solution:	Czech measure lifted in October 1999.

152. In September 1998, Thailand indicated that since June 1998, the Czech Republic had stopped shipments of poultry meat from Thailand on the grounds that it contained levels of arsenic acid above the acceptable Czech limits. Thailand indicated that this measure was not scientifically justified and too trade restrictive, and asked whether the measure was non-discriminatory. The Czech Republic indicated that bilateral consultations had begun and would continue, and assured Thailand of the non-discriminatory nature of its testing methodology.

153. In November 1998, Thailand reported that bilateral consultations had been held, and that the Czech Republic had agreed to provide further clarifications on the measure, as well as a scientific justification. The Czech Republic indicated that the exchange of information would take place before a mission of Czech experts to Thailand in the near future.

154. In March 1999, Thailand and the Czech Republic reported that bilateral consultations were progressing, and that the problem might be resolved after a visit of Czech experts to Thailand, planned for April 1999. In July 1999, Thailand reported that the visit of Czech experts had been re-scheduled for September 1999. The Czech Republic confirmed that consultations were advancing. In November 1999, the Chairman informed the Committee that the Czech Republic had recently notified the lifting of the measure from 1 October 1999.

Animal Health and Zoonoses

Other Animal Health Concerns

48. Czech Republic – Regulation concerning warehouses and silos

Raised by:	European Communities
Supported by:	
Dates raised:	October 1997 (G/SPS/R/9/Rev.1, para. 54)
Relevant document(s):	Raised orally
Solution:	EC satisfied with Czech clarifications.

155. The European Communities sought clarification of a Czech regulation requiring warehouses and silos for animal feed to be under state control for purposes of quality assurance. The Czech Republic indicated that it wished to pursue the matter bilaterally with EC veterinary authorities. In February 2001, the Czech Republic indicated that the European Communities had accepted its clarifications.

Plant Health

49. Czech Republic - Imports of potatoes

Raised by:	European Communities
Supported by:	Argentina
Dates raised:	October 1996 (G/SPS/R/6, para. 27), October 1997 (G/SPS/R/9/Rev.1, paras. 51-53)
Relevant document(s):	G/SPS/N/CZE/6, G/SPS/N/CZE/12, G/SPS/GEN/42
Solution:	Second active ingredient approved, imports from EC resumed.

156. In October 1996, the European Communities expressed concern that the Czech Republic had not specified a final date for comments on G/SPS/N/CZE/12. The Czech Republic committed to pursuing the matter bilaterally with the European Communities. In October 1997, the European Communities expressed concern over Czech import requirements for ware potatoes, which it did not believe to be based on scientific principles. Moreover, equivalent methods of sprout treatment were not allowed. The European Communities pointed out that a Codex standard existed for the active ingredient involved. Argentina was concerned that the treatment had to be applied before harvest, making a post-harvest decision to export to the Czech Republic impossible, although alternative treatment methods existed. Furthermore, it was not clear to Argentina whether the registration procedure concerned the entire product formula or only the active ingredient.

157. The Czech Republic explained that imported plant products could not be circulated domestically if they contained residues of active plant protection ingredients not registered in the Czech Republic. Only one active ingredient had been approved, but registration procedures for a second one were under way. The Czech Republic believed that bilateral channels for resolving the issue, notably within the framework of the European Association Agreement, were far from exhausted.

158. In February 2001, the Czech Republic reported that the second active agent had been approved since 16 March 1998, and imports from the EC had resumed.

CONCERNS RAISED BY CZECH REPUBLIC

Item Number	**Country Maintaining the Measure**
Animal Health and Zoonoses	
TSE Concerns	
Item 2	***Argentina, Australia, Canada, Korea, New Zealand, United States —*** *Import restrictions affecting BSE-free countries*

ECUADOR

CONCERNS RAISED BY ECUADOR

Item Number	Country Maintaining the Measure
Plant Health Concerns	
Item 88	***European Communities*** *– Notification G/SPS/N/EEC/131 regarding cut flowers*
Item 158	***Turkey –*** *Restriction on banana imports*

EGYPT

CONCERNS RELATED TO MEASURES MAINTAINED BY EGYPT

Food Safety

50. Egypt - Restrictions on canned tuna

Raised by:	Thailand
Supported by:	
Dates raised:	June 2000 (G/SPS/R/19, paras. 103-104)
Relevant document(s):	G/SPS/GEN/203
Solution:	Formal consultations requested by Thailand.

159. Thailand, acknowledging Egypt's decision to restrict food imports containing genetically modified organisms (GMOs), insisted that Thai canned tuna did not contain soybean oil produced from genetically modified plants. Thailand noted that it was not possible to identify the origin of soybean oil since the final processing stages destroyed genetic material. Thailand considered the restrictions on Thai canned tuna to be discriminatory, and asked the Egyptian Government to lift the restrictions as soon as possible. Egypt took note of Thailand's concerns and agreed to report back to the Committee in due course.

CONCERNS RAISED BY EGYPT

Item Number	Country Maintaining the Measure
Plant Health Concerns	
Item 89	***European Communities*** *– Measures on imports of Egyptian potatoes*

EL SALVADOR

CONCERNS RELATED TO MEASURES MAINTAINED BY EL SALVADOR

Animal Health and Zoonoses

Other Animal Health Concerns

51. El Salvador – Restrictions on meat and dairy products

Raised by:	Uruguay
Supported by:	
Dates raised:	November 1999 (G/SPS/R/17, para. 85), November 2000 (G/SPS/R/20, para. 32)
Relevant document(s):	Raised orally
Solution (if reported):	Issue resolved.

160. In November 1999, Uruguay reported on problems with exports of meat and dairy products to El Salvador on sanitary grounds, although no concrete sanitary problems or regulations had been mentioned. The representative of El Salvador indicated that these concerns would be transmitted to the appropriate authorities. In November 2000, Uruguay reported that the issue that been resolved.

ESTONIA

CONCERNS RAISED BY ESTONIA

Item Number	**Country Maintaining the Measure**
Animal Health and Zoonoses	
TSE Concerns	
Item 2	***Argentina, Australia, Canada, Korea, New Zealand, United States-*** *Import restrictions affecting BSE-free countries*

EUROPEAN COMMUNITIES

CONCERNS RELATED TO MEASURES MAINTAINED BY EUROPEAN COMMUNITIES

Food Safety

52. European Communities – Restrictions on shellfish

Raised by:	Indonesia
Supported by:	
Dates raised:	June 2002 (G/SPS/R/27, paras. 127-128), November 2002 (G/SPS/R/28, paras. 183-184)
Relevant document(s):	Raised orally
Solution:	Not reported

161. In June 2002, Indonesia raised concerns regarding an EC prohibition on shellfish from Indonesia due to biotoxic residues that had been applied for two years. The three gulfs in Indonesia which were not free of biotoxins were closed to shellfish fishing. Indonesia had responded to a questionnaire from the European Communities and was waiting for the European Communities to send an inspection team.

162. The European Communities indicated that given the high risks associated with shellfish, it accepted products only from countries with an approved sanitary programme which included control procedures for the maritime production area. The information provided by Indonesia had given the impression that controls were not mandatory, and in March 2001 the European Communities had sent a further questionnaire. The European Communities indicated that as soon as the reply to the questionnaire was received, an EC evaluation team would visit Indonesia.

163. In November 2002, Indonesia reported that an EC inspection team had visited Indonesia in October 2002. Indonesia was of the view that the resolution of the problem would have a very positive effect on the fish industry in Indonesia, especially at the production level. The European Communities commended Indonesia for all the efforts that the country had made to meet the safety requirements set out in EC legislation, and hoped that further progress would permit resolution of the problem.

53. European Communities – Pesticide and antibiotic limits in honey (Directive 96/23)

Raised by:	Cuba
Supported by:	
Dates raised:	June 2002 (G/SPS/R/27/Corr.1, para. 130), November 2002 (G/SPS/R/28, para. 178)
Relevant document(s):	Raised orally
Solution:	Not reported

164. Cuba indicated that it had sought bilateral consultations with the European Communities on pesticide residues in honey. The European Communities confirmed that it was examining a plan submitted by Cuba for residue analysis, and would continue to pursue this bilaterally.

165. In November 2002, Cuba reported that progress had been made in bilateral consultations with the European Communities on regulation EC 96/93 setting out residue limits for imported honey.

54. European Communities - Regulations on genetically modified food and feed

Raised by:	United States
Supported by:	Australia, Argentina, Canada, Israel, Jordan, Taipei, China, Singapore, Egypt
Dates raised:	October 2001 (G/SPS/R/25, paras. 40-44), March 2002 (G/SPS/R/26, paras. 45-56), April 2003 (G/SPS/R/29, paras. 84-87), June 2003 (G/SPS/R/30, para. 168)
Relevant document(s):	G/TBT/N/EEC/6 and 7, G/SPS/N/EEC/149, G/SPS/N/EEC/150, G/SPS/GEN/397, G/SPS/GEN/398, G/SPS/GEN/399
Solution:	Not reported

166. The United States expressed concerns that the EC proposals on traceability and labelling of agricultural biotechnology products had been notified only under the TBT Agreement and not the SPS Agreement, although the proposals made it clear that they were intended to address unforeseen adverse effects to human and animal health. Canada and the United States sought clarification as to whether the draft regulations covered food safety or human health. Argentina noted that genetically

modified food did not affect health, and that the compulsory labelling required by the proposed EC regulation was not consistent with the TBT Agreement. Argentina sought clarification as to whether the labelling requirements extended to pharmaceutical products for human or animal use.

167. The European Communities observed that requests to prolong the consultation period had been accepted and this period would run until the end of the year. The main objective of the proposed regulations was to ensure that consumers were duly informed of the products they bought. Two other key issues were traceability and labelling. The labelling of pharmaceuticals containing GM ingredients was covered by different legislation. The European Communities stated that discussions should continue in the TBT Committee.

168. In March 2002, the United States noted that the EC measure notified as G/SPS/N/EEC/149, would require a lengthy food safety review for all biotech foods, and for the first time, biotech feeds, which would also need to be labelled. Products already authorized for food or feed use within the European Union would have to be re-authorized within nine years of their first placement on the market. The stated objective of this regulation was to protect health, environment and consumers and to prevent deceptive practices. However, the proposed regulation failed to distinguish the protection of health and the environment from perceived consumer desires. The regulation would be more trade restrictive than necessary and could create substantial difficulties for countries which imported US agricultural products for processing and further export, without addressing the identified concerns and potential hazards. The United States suggested that without affordable testing and enforcement, the proposed regulation left room for fraud, and the European Commission should examine the feasibility of implementing the regulation, and analyze its potential regulatory impact.

169. The United States further noted that the new EU Food Authority (EFA) would undertake the risk assessments for biotech food and feed, and provide technical and scientific information. But the European Commission could propose an outcome inconsistent with the risk assessment or other safety and technical information considered by EFA. This left room for political interference of the type that had led to the existing moratorium on the approval of biotech products. Furthermore, the EC legislation set a "no risk" level which could effectively block the regulatory process since no product could ever be guaranteed to have "no risk".

170. Canada believed that these proposed regulations fell within the scope of the SPS Agreement, and the primary concern of Canada was that certain elements of these proposals lacked the needed scientific basis. Argentina supported the US and Canadian statements. Israel expressed concern with the trend of Members' requiring traceability and mandatory labelling for biotech food and feed products, a requirement not based on scientific information, and hoped that Members could find less trade restrictive measures to address their concerns. Jordan supported the consideration of the safety of GM products on the basis of risk assessment as provided in the SPS Agreement. Requirements imposed on processed products would result in unjustified costs that affected the competitiveness of products, and resulted in greater restrictions on developing countries. Egypt supported the statements of the United States and Jordan. Singapore requested the European Communities to take account of all the concerns raised to ensure that the implementation of the regulations did not impose a disguised restriction on trade, particularly for countries which processed and re-exported goods imported from the United States.

171. Chinese Taipei stated that safety assessment of all GM products should be based on scientific evidence to ensure that the products were as safe as their conventional counterparts. Members should work together in particular to strengthen risk communication. Chinese Taipei considered that an appropriate labelling scheme was necessary to respect consumers' right to know and to choose, and had introduced voluntary labelling in January 2001. Mandatory labelling would be applied in three phases starting in January 2003.

172. The European Communities recalled that these regulations had also been notified under the TBT Agreement, and that the TBT Committee had held detailed discussions at the technical level the previous week. The European Communities believed that a large part of these proposals fell within the scope of Article 2.2 of the TBT Agreement, but had notified these measures also under the SPS Agreement because many Members had expressed interest in the SPS Committee. The time-period to allow Members to submit comments also in response to the SPS notifications had been extended. The comments received had been very similar to those received in response to the TBT notification, and the European Communities subsequently circulated its response to comments received about both notifications.

173. The European Communities further reported that the draft regulation had been adopted by the EC College of Commissioners and sent to the EU Parliament and the EC Council for their final decisions. The comments received by the EC Commission, as well as the responses to these, would be provided to the EC member States, the EC Council and Parliament. It was unclear how long the process would take and when any decisions might be made. The European Communities noted that the EFA would be a scientific body with responsibility to do independent risk assessment; its advice would be sent to the EC Commission and Council for the appropriate risk management decisions. This procedure was consistent with the Codex guidelines, since it was not appropriate for the risk assessment body to also make the risk management decisions.

174. In April 2003, the United States recalled its previous criticisms that the EC biotechnology policies breached both EC laws and WTO rules. By blocking imports on an unscientific basis, the European Communities was interfering with the use of safe food products that could stem global hunger, improve nutrition and benefit the environment. Canada and Argentina echoed the concerns of the United States. Australia stated it shared many of the concerns raised by the United States and Canada with regard to the lack of science based decision-making.

175. The European Communities reported that on 17 March 2003, the Council of Ministers adopted a common position on biotechnology approval, labelling and traceability and the legislative proposals had now returned to the European Parliament for a second reading under the co-decision procedures. The second reading should be concluded at the beginning of July 2003, which implied that the proposals should be adopted before the end of 2003. Once approved, the labelling and traceability proposals should make it possible for the moratorium on biotechnology approvals to be lifted since EC member States had imposed the moratorium in the absence of a clear regulation on traceability and labelling.

176. The European Communities also indicated that the biotechnology approval procedure envisaged in Directive 2001/18 was now operational and the EU Scientific Committee had given its opinion as to the procedure necessary to conduct a risk assessment. The opinion was available on the internet. Nineteen new or revised submissions had been received since the start of 2003 and the assessments had begun in accordance with the provisions of the Directive. The European Commission was awaiting comments from the Scientific Committee on the risk assessments. The outcome of the risk assessments would depend on the quality and conformity of the scientific data being submitted to determine the effects of GMOs on human health and the environment.

177. In June 2003, the United States, Canada and Argentina reported they had held consultations with the European Communities under the dispute settlement procedures on 19 June 2003, and were now considering further actions.

55. European Communities – Notification G/SPS/N/EEC/150 on traceability and labelling of genetically modified organisms and food and feed

Raised by:	United States, Canada, Argentina
Supported by:	Argentina, Australia,
Dates raised:	March 2002 (G/SPS/R/26, paras. 57-62), November 2002 (G/SPS/R/28, paras.95-96), April 2003 (G/SPS/R/29, paras. 88-90)
Relevant document(s):	G/SPS/N/EEC/150, G/SPS/N/EEC/149, (G/SPS/GEN/354), G/SPS/GEN/337 and 338
Solution:	Not reported

178. The United States specified that the EC traceability requirement was to apply to all biotech food and feed products at all stages of placing the product on the market. The stated objective was to facilitate control of labelling claims, environmental monitoring and control of the product. Food processors would be obliged to maintain specific information at each stage of placing the product on the market, including details as to whether the product contained or was produced from biotech products. As a general rule, if a product contained ingredients consisting of biotech products or produced from biotech events, these must be identified. This included products made from but not containing biotech products, such as soybean oil. The United States believed that this proposal would be expensive to implement, but would not be enforceable nor would it achieve its stated objectives.

179. The United States was further concerned that the measure was not targeted at health risks, and applied to products already approved for use within the European Communities. Traceback systems for food safety had been effectively used to recall food in the United States in response to health problems, based on batch and lot numbers on packages. However, the proposed traceability system would be applied across-the-board to products whose safety had already been assessed. Before adopting the measure the United States urged the European Commission to assess the feasibility of applying the measure reliably and accurately; consider less trade restrictive means to achieve the objectives and evaluate the regulatory impact of the proposal.

180. Australia indicated that it had submitted detailed written comments that questioned the scientific basis for the EC measures, the international standards to be used, and the nature of the risk assessment underpinning the EC measures. Australia also questioned whether a less trade-restrictive measure could be used, and why the traceability system for GM foods differed substantially from that for other foods. Argentina shared the concerns raised by the United States and Australia.

181. Norway indicated doubts as to whether the SPS Agreement was relevant to the issue of GMOs and added that Norway strongly believed that labelling and traceability were not contrary to WTO obligations. The EC regulations took account of the Codex, the Cartagena Protocol and the OECD guidelines. According to the Codex guidelines, food labelling should be used to avoid misleading or confusing the consumer with regard to the true nature of a food. Consumers' distrust in food products would be greater if labelling and traceability were not required. Norway believed that the EC measure addressed a legitimate objective that was not excessive in relation to its purpose. Cyprus stated his country's support of the EC position regarding information to consumers.

182. The European Communities stated that all comments would be considered and communicated to the appropriate bodies. Current labelling requirements in the European Communities required information on ingredients included in food products; all that was added in terms of labelling was to ensure the inclusion of GM products within the general requirements. There were four objectives of traceability: (1) to recall products in case of an unforeseen problem; (2) to monitor potential risks for the environment; (3) to control the accuracy of information provided on the label; and (4) to inform consumers about what they ate and to avoid deceptive practices. The EC Commission

considered that these four objectives were primarily related to the TBT Agreement, and had notified this proposal to the SPS Agreement only for transparency.

183. Canada observed that one of the stated objectives of the proposed regulation was to provide a high level of protection of human health. Canada accepted that consumers had the right to know many things, but found troublesome that these regulations focussed on products made from GM products but not on products made with GM processing aids, even when there might be traces of the processing aids left in the product. Several industries in Europe used GM processing aids. The selective focus was also troubling in that consumers did not need to be informed if products were derived from mutagenesis, another form of genetic alteration. The focus of the EC regulations was overly specific and selective. Furthermore, the mandatory nature of the traceability system created problems especially for enforcement. Canada noted that no international standard existed in this area; the Biosafety Protocol was not yet in effect and neither it nor the OECD guidelines were referred to in the SPS Agreement. Canada looked forward to a scientific assessment of the needs, challenges and benefits of the proposed mandatory traceability system. In November 2002, Argentina drew attention to the 21 questions for which his country was seeking a written response from the European Communities (G/SPS/GEN/354). Argentina enquired as to whether the latest version notified by the European Communities included the amendments made by the European Parliament. The European Communities noted that they had received the questions from Argentina at a late date, and would provide answers to the questions in writing. The European Communities usually notified a draft text to the WTO to allow Members enough time to comment while the proposed regulation was being circulated in the Parliament and Council. Discussions were still underway in these two bodies and as soon as a final regulation was adopted it would be notified to the SPS Committee for information.

184. In April 2003, Argentina enquired whether the European Communities were in a position to answer specific questions it had raised in the last Committee meeting on the proposed traceability and labelling legislation. The European Communities responded that the additional questions submitted by Argentina were being studied and that a reply, based on the new version of the two legislative proposals, was being finalized. The European Communities also stated that detailed answers had already been given to many questions raised by Argentina in documents G/SPS/GEN/337 and 338.

56. European Communities - Directive 2000/42 on pesticide residues

Raised by:	Côte d'Ivoire
Supported by:	
Dates raised:	July 2001 (G/SPS/R/22, paras. 136-137)
Relevant document(s):	Raised orally
Solution:	Not reported

185. Côte d'Ivoire expressed concern regarding new EC maximum residue levels (MRLs) for pesticides in fruits and vegetables, which would affect Côte d'Ivoire's exports of pineapples, mangoes, papayas, cashew nuts, passion fruits and green beans. Small farmers in Côte d'Ivoire would be affected. The MRLs did not seem to be consistent, or to be based on a pertinent risk assessment, for example in the case of Ethephon. Technical questions posed in April 2001 through different channels had remained without answer. Although technical assistance for pineapple production was planned, it had not been carried out before the entry into force of the EC directive. Côte d'Ivoire requested waivers from the EC directive. Once the planned technical assistance had been carried out, adequate MRLs could be set with the collaboration of Codex. The European Communities recalled that one year ago the Committee had been informed of an EC decision to delay for one year the application of a series of MRLs for ACP countries. The year had now passed, and the directive was being implemented. Special and differential treatment had not solved the problem. For discontinued substances, the MRLs were set at detection levels; this was international practice. The European Communities would consider Côte d'Ivoire's request.

57. European Communities - Legislation on the fungicide thiabendazole (TBZ)

Raised by:	Israel
Supported by:	
Dates raised:	July 2001 (G/SPS/R/22, paras. 128-129)
Relevant document(s):	Raised orally
Solution:	Not reported

186. Israel was concerned that legislation being considered by the European Parliament would ban fungicide residues in fruit juices, although they were considered safe according to Codex standards. Israel saw no scientific justification for banning the use of these fungicides, and believed this would create unnecessary trade barriers. Israel had raised both with the European Communities and with Germany a problem regarding German law which restricted residues of TBZ and Imazalil in citrus juices to such low levels that in effect this constituted a ban. Israel requested a clarification regarding the EC position on the European Parliament initiative. The European Communities explained that the European Parliament could introduce amendments to Commission proposals, and that Israel would be kept informed of the situation.

58. European Communities - Import restrictions on soy sauce

Raised by:	Thailand on behalf of ASEAN
Supported by:	Korea
Dates raised:	March 2001 (G/SPS/R/21, paras. 36-39), July 2001 (G/SPS/R/22, paras. 11-14), October 2001 (G/SPS/R/25, para. 106), March 2002 (G/SPS/R/26, paras. 134-136), June 2002 (G/SPS/R/27, para. 132)
Relevant document(s):	G/SPS/N/EEC/100
Solution:	Not reported

187. In March 2001, Thailand, on behalf of ASEAN, raised concerns with an EC regulation which set new maximum levels for lead, cadmium, mercury and 3-MPCD in foodstuffs. ASEAN believed that the EC maximum level of 3-MCPD in soy sauce was too low to be practicable, and constituted an unnecessary barrier to trade. ASEAN asked the European Communities to provide technical information in order to reach a mutually satisfactory solution. Korea asked to be informed about the outcome of bilateral consultations between the European Communities and Thailand. The European Communities stated that several of its member States had detected high levels of 3-MCPD in samples of soy sauce. Recent toxicological studies had indicated that the substance acted as a non-genotoxic carcinogen *in vivo*. The European Communities believed that maximum levels should be set to encourage good manufacturing practices and to protect the health of consumers. A proposed Commission Regulation set such limits, and was currently under examination. Thailand had been informed of the 3-MCPD levels reported in soy sauce from one manufacturer, but had not responded.

188. In July 2001, the European Communities informed the Committee that the Scientific Committee of Food had recently revised its opinion on 3-MCPD in light of new toxicological information, concluding that 3-MCPD was not genotoxic in humans. A tolerable daily intake had been set at 2 µg per kg of body weight. A maximum level for 3-MCPD, to take effect in April 2002, had been set at 0.02 mg/kg for both hydrolized vegetable protein and soy sauce. However, in light of the new scientific opinion, the European Communities would consider whether the current maximum level remained appropriate. The United States indicated that the Joint FAO/WHO Expert Committee on Food Additives (JECFA) had re-evaluated the safety of chlorinated propanols, and concluded that a person should not consume more than 120 mg/day of these contaminants. The Codex representative added that the need to establish maximum levels for these contaminants would be considered by JECFA in March 2002.

189. In October 2001, Thailand indicated that it had taken measures to establish maximum 3-MCPD limits and to modify production processes to lower rates of contamination; its industry expected to be able to meet a 1 mg/kg limit within one year. JECFA had set a provisional maximum daily threshold level at 2 micrograms/kg of body weight per day. Based on this limit for a person of 50 kg bodyweight, a safe daily consumption of up to 10 g should be allowable. However, Thailand noted that the limits applied by Members differed widely.

190. In March 2002, the European Communities reported that the Scientific Committee had re-evaluated the potential toxicity of 3-MCPD, and had concluded that the risks were not as high as initially believed. A full evaluation of the toxicity of 3-MCPD was underway, pending receipt of additional information; in particular regarding exposure levels. The results of this study were expected for July 2002, at which time the EC requirement would be re-examined in light of the results of this study as well as of the JECFA review.

191. The representative of Codex noted that the Codex Committee on Food Additives had the previous week discussed the subject of chloropropanols, substances which could occur in hydrolized vegetable proteins and soy sauces. JECFA had determined that the level of chloropropanols could be controlled if the levels of 3-MCPD were limited, and had developed recommended daily intake levels. On this basis, the Food Additives committee was proceeding to develop maximum residue levels for 3-MCPD for commodities of major trade interest.

192. In June 2002, the European Communities confirmed that 3-MCPD had been re-evaluated and found to be carcinogenic but not genotoxic, so the ALARA ("as low as reasonably achieveable") principle would no longer be applied. However, the European Communities was seeking the necessary information . on exposure of consumers to 3-MCPD and other chloropropanols so that the Scientific Committee could undertake a risk assessment.

59. European Communities - Information on dioxin

Raised by:	None, information provided by the European Communities.
Supported by:	
Dates raised:	July 1999 (G/SPS/R/15, paras. 17-22), March 2000 (G/SPS/R/18, para. 19), June 2000 (G/SPS/R/19, para. 9)
Relevant document(s):	G/SPS/GEN/123 and Add.1-4
Solution:	Not reported

193. In July 1999, the European Communities provided information on the dioxin contamination which had occurred in Belgium in January 1999, and on the steps it had taken to manage the health risks. Many countries had responded by imposing trade restrictions. The European Communities stressed that there was no longer any justification for maintaining import bans, regretting that several countries had not notified their bans. The European Communities reserved its right to take action with regard to unjustified trade barriers.

194. Malaysia expressed disappointment to be receiving information at such a late stage. It would only be in a position to lift its import ban when it was fully satisfied that there was no more danger from EC products. Australia, Canada, Chile, Brazil, South Africa and the United States appreciated the information provided by the European Communities throughout the dioxin crisis. Australia and the United States had notified any action taken with respect to dioxin. Canada had banned Belgian imports, but was reviewing the products and areas covered by the ban. The Philippines indicated that its measures had taken into account the EC measures regarding dioxin, and were being reassessed.

195. The WHO noted that it had convened an expert consultation in 1998 to evaluate the tolerable daily dose of dioxin to which humans could be exposed without harm. Codex reported that at the July 1999 meeting of the Codex Alimentarius Commission, countries had requested that an

intergovernmental group prepare a code of practice on animal feed. The European Communities added that it had established a working group within its Standing Committee on Animal Nutrition which was examining legislation regarding animal nutrition to prevent future accidents.

196. In March 2000, the European Communities provided an update on the dioxin situation. While some Members had adjusted their trade measures as the situation evolved, others continued to apply unnecessarily strict measures. The European Communities looked forward to receiving answers to the questions it had raised in G/SPS/GEN/123/Add.3.

197. In June 2000, the European Communities explained that all previously restricted products could be circulated and exported without any additional certification. While there was a general acceptance by Members that EC and Belgian products no longer represented a health risk, some Members had neither lifted their measures nor responded to a January 2000 letter requesting that they remove them. The European Communities repeated that it reserved its right to take any necessary action with regard to unjustified trade barriers.

60. European Communities - Measures on food treated with ionizing radiation

Raised by:	United States
Supported by:	
Dates raised:	September 1998 (G/SPS/R/12, paras. 37-38), July 2001 (G/SPS/R/22, para. 127)
Relevant document(s):	G/SPS/N/EEC/61, G/SPS/GEN/265
Solution:	Not reported

198. In September 1998, the United States sought clarification on the EC measure on food and food ingredients treated with ionizing radiation. The United States was taking similar steps towards recognizing that this technology could play a role in ensuring the wholesomeness and safety of food, and had sent official comments to the European Communities. However, the United States emphasized that the list of products provided in an annex to the EC directive should be expanded to cover other food products such as pork, beef, poultry, fruits and vegetables. The United States also requested explanation of how the approval process for treatment facilities worked. The European Communities indicated that the US suggestions would be forwarded to the competent EC services.

199. In a document introduced in July 2001, the United States reported that two EC directives on food irradiation had been adopted in 1999 (G/SPS/GEN/265). So far, only dried aromatic herbs, spices and vegetable seasonings had been included in the positive list. One of the directives required that the Commission draft a proposal by 31 December 2000. The Commission had published a consultation paper, describing a possible strategy for expanding the positive list. After considering comments, the Commission would submit the paper to the Council and the European Parliament. The United Stated had sent comments on the consultation paper in January 2001, requesting that all foods which received a favourable opinion from the Scientific Committee for Food be included in the positive list. The United States had also requested information on how additional foods could be added to the positive list.

61. European Communities - Emergency measures on citrus pulp

Raised by:	Brazil
Supported by:	
Dates raised:	September 1998 (G/SPS/R/12, paras. 49-50), October 2001 (G/SPS/R/25, para. 34)
Relevant document(s):	G/SPS/N/EEC/62
Solution:	Brazil reported in October 2001 that the emergency measures had been lifted.

200. In September 1998, Brazil expressed concerns regarding EC emergency notification G/SPS/N/EEC/62, which mentioned very high levels of dioxin found in citrus pulp pellets from Brazil. Brazil pointed out that this accident had already been fully dealt with. Brazilian authorities were maintaining bilateral talks with the European Communities on the subject. The European Communities explained that this accident had involved 90 000 tonnes of contaminated citrus pulp pellets destined for animal feed. After scientific discussions, including Brazil's private sector, the EC authorities had decided that the lack of information on the origin of the contamination, the amount of stocks involved and the lack of a solution justified the emergency measure. The European Communities hoped that ongoing contacts with the Brazilian authorities would result in a solution before the end of the year.

201. In October 2001, Brazil reported that following two technical visits by EC officials to evaluate Brazilian control systems, the emergency measures on dioxin in citrus pulp had been lifted.

62. European Communities - Measure on establishments operating in the animal feed sector

Raised by:	United States
Supported by:	Argentina
Dates raised:	June 1998 (G/SPS/R/11, paras. 50-56), September 1998 (G/SPS/R/12, paras. 35-36), July 2001 (G/SPS/R/25, para. 127)
Relevant document(s):	G/SPS/N/EEC/58, G/SPS/GEN/88, G/SPS/GEN/265
Solution:	Not reported

202. In June 1998, the United States raised its concerns with regard to an EC measure which set conditions and arrangements for approving and registering establishments and intermediaries operating in the animal feed sector. The United States sought clarification regarding criteria used, justification and coverage of the measure and the procedures involved, and asked for an update on its implementation status.

203. The European Communities replied that it was putting in place the legislative framework for the establishment of a single market in regard to animal, plant and consumer health. It was establishing harmonized standards so that products could circulate freely within the Community. The European Communities provided an explanation of the criteria used and risks addressed by the framework, and clarified that it applied only to feedingstuffs for farm animals, not to pet food. The European Communities clarified that by the end of 1998, EC member States must provide the Commission with a list of establishments considered eligible, which could be modified later on. Establishments would be inspected by the EC Commission. The European Communities considered its registration requirements to be flexible and not very onerous. Argentina requested a written copy of the EC statement.

204. In September 1998, the United States reported it was encouraged by the EC willingness to consult on this draft directive with a view to safeguarding public and animal health while minimizing trade disruptions. The European Communities noted that the new regime was similar to the previous

one, but was more flexible in that on-the-spot inspection in third countries was optional. The European Communities assured the United States that prompt answers would be provided to all questions raised.

205. In July 2001, the United States reported that it did not require or support registration of animal feed establishments and considered the issue to still be unresolved (G/SPS/GEN/265).

63. European Communities - Maximum levels for certain contaminants (aflatoxins) in foodstuffs

Raised by:	Argentina, Australia, Bolivia, Brazil, The Gambia, India, Indonesia, Malaysia, Philippines, Senegal, Thailand
Supported by:	Canada, Colombia, Mexico, Pakistan, Paraguay, Peru, Philippines on behalf of ASEAN, South Africa, Turkey, United States, Uruguay
Dates raised:	March 1998 (G/SPS/R/10, paras. 24-31), June 1998 (G/SPS/R/11, paras. 15-19), September 1998 (G/SPS/R/12, paras. 11-14), November 1998 (G/SPS/R/13, para. 26), March 1999 (G/SPS/R/14, paras. 64-66), March 2001 (G/SPS/R/21, paras. 29-30 and 86-87), July 2001 (G/SPS/R/22, paras. 39-43), October 2001 (G/SPS/R/25, paras. 27-31), March 2002 (G/SPS/R/26, para. 140), June 2002 (G/SPS/R/27, paras. 38-39), November 2002 (G/SPS/R/28, para. 175), April 2003 (G/SPS/R/29, paras. 51-52), June 2003 (G/SPS/R/30, paras. 66)
Relevant document(s):	G/SPS/N/EEC/51, G/SPS/GEN/50, G/SPS/GEN/52, G/SPS/GEN/54, G/SPS/GEN/55, G/SPS/GEN/56, G/SPS/GEN/57, G/SPS/GEN/58, G/SPS/GEN/61, G/SPS/GEN/62, G/SPS/GEN/63, G/SPS/GEN/93, G/SPS/R/28
Solution:	Maximum levels for some products and sampling procedures revised.

206. In March 1998, a number of countries argued that the EC proposal to set new maximum levels for aflatoxins would impose severe restrictions on trade while not resulting in a significant reduction in health risk to consumers. The proposal did not seem to be based on a proper risk assessment. Furthermore, the proposed sampling procedure was unduly costly, burdensome and unjust. Although an international standard on the subject did not yet exist, the Codex Committee on Food Additives and Contaminants (CCFAC) was considering the matter. The complaining Members felt that the timing was unfortunate, and urged the European Communities to review the proposed measure.

207. The European Communities noted that there had been no consensus in the CCFAC on the issue; although many countries supported the Codex norm, the European Communities did not. The proposed measure reflected the EC level of protection. With regard to the sampling procedure, since contamination appeared in a small percentage of kernels, one simple sample was not sufficient to minimize risk to consumers. The proposed methods were already used by some EC member States. The European Communities planned to evaluate the comments received until May 1998 and formalize the proposal in June 1998. The measure would enter into effect relatively shortly afterwards.

208. In June 1998, the European Communities reported that it had forwarded a revised proposal to its member States. The EC Standing Committee on Foodstuffs would consider the proposed modifications on 17-18 June 1998. Apart from revising some of the maximum levels, the European Communities was considering transitional arrangements, and the new measures would not enter into force before 1 January 1999.

209. In September 1998, Bolivia informed the Committee that the proposed EC measure would have severe effects on Bolivian exports of Brazil nuts. Bolivia requested to see the EC risk

assessment, and indicated it was prepared to enter into bilateral discussions with the European Communities in order to find a mutually agreeable solution. The United States encouraged the European Communities to take into account the recommendations contained in the FAO/WHO risk assessments establishing maximum levels for aflatoxin in consumer-ready products. The ASEAN countries expressed concern with maximum levels in milk, which would affect developing countries' feed exports.

210. The European Communities noted that the deadline for comments had been extended to allow for further comments from Members. The European Communities had also revised its proposal, and was prepared to raise the proposed maximum levels in nuts. With regard to milk, the proposed EC levels were in line with the standards being discussed in Codex.

211. In November 1998, the Chairman informed the Committee about bilateral consultations between Bolivia and the European Communities which he had been requested to facilitate. The Chairman reported that the discussions had been very fruitful, and had helped Bolivia to better understand the rationale behind the EC measures, as well as the EC procedures followed. They had also helped the EC understanding of the potential effect of some of its measures on the Bolivian industry. Technical consultations were continuing.

212. In March 1999, Bolivia reported that it had presented a plan to improve its Brazil nuts, and consultations with the European Communities were ongoing. Bolivia considered that this was a good case for the application of special and differential treatment. Peru indicated that several countries had brought their problems with the new EC regulation on aflatoxins to the attention of the European Communities through their missions in Brussels, without having obtained a satisfactory response. In particular, the European Communities had not presented a risk assessment. The European Communities assured Bolivia that their common examination of the problem would continue through a rapid procedure. In response to other Members, the European Communities indicated that there had been ample time for comments, and that the proposal had been revised in response to comments received. On cereals, the European Communities was prepared to continue accepting comments until 1 July 1999 and to modify the measure if there was scientific justification.

213. In March 2001, Argentina raised concerns over EC maximum levels of contaminants in food products and sampling methods for aflatoxins in peanuts, other nuts, dried fruits and cereals. Argentina was preparing a technical submission for the European Communities to be circulated before the next SPS Committee meeting. The European Communities agreed to carefully consider the technical document. Regarding cereals, the European Communities reminded Members that the relevant legislation had been adopted in 2000 and would come into effect as of 1 July 2001.

214. Bolivia recalled the information it had provided regarding EC aflatoxin levels in Brazil nuts (G/SPS/GEN/93). The European Communities had not provided a risk analysis for this measure. Bolivia outlined the socio-economic and ecological implications of the measure for the area of production, as well as the effects on the economy. The European Communities indicated that the science had been explained in detail in the Committee. An EC expert had visited Bolivia in May 2000 to evaluate the situation. The Commission believed that the problems in Bolivia stemmed from needed improvements in the production chain and the equipment used. A project to address these issues had been included in the EU Aid Programme.

215. In July 2001, Bolivia expressed concern about the long time it was taking to resolve the issue. Argentina and Chile inquired about the technical assistance and special and differential treatment aspects of the issue. The European Communities noted that Bolivia was on a high priority list for EC cooperation activities. The expert mission in May 2000 had concluded that Bolivian products had been meeting EC aflatoxin levels, and at least three private laboratories were equipped to carry out accurate tests. The European Communities remained willing to discuss technical difficulties and to agree on practical solutions. The European Communities was promoting a project to improve

production and storage processes and the livelihood of nut collectors, to be executed in 2002; it had proposed a certification procedure and hoped that Bolivia recognized the efforts being made to improve Brazil nut production in the region concerned. Bolivia confirmed that bilateral meetings had taken place, including a discussion on possible technical cooperation programmes. However, so far no practical measures had been taken to reduce the negative effect on trade.

216. In October 2001, Bolivia reported that the European Communities still had not presented a risk analysis to justify its maximum levels for aflatoxins in Brazil nuts, nor applied special and differential treatment or justified why higher levels were permitted in similar products. The measure was having a severe effect on the Bolivian economy. Promises of technical assistance were not beneficial, and Bolivia wished to see a solution based on acceptance by the European Communities of a certificate. The European Communities indicated that prolonged bilateral consultations had taken place prior to the entry into force of the measure, and that expected trade concerns had not materialized. The risk assessment had been discussed on numerous occasions in the SPS Committee and in JECFA. EC technical assistance had the goal of ensuring compliance with EC standards. A national certification and accreditation mechanism was being implemented which would allow the three Bolivian laboratories to issue internationally recognized certificates. However, no follow-up information had been received from Bolivia on this possible solution.

217. In March 2002, Bolivia indicated that there had been no progress on the issue. The European Communities reported that it had agreed to accept pre-shipment certification from accredited laboratories in Bolivia in order to avoid costly sampling of the product upon arrival in Europe. However, no further information had been provided by Bolivia regarding the accreditation of laboratories nor a proposal for the pre-shipment certificate. Nonetheless, shipments of Brazil nuts from Bolivia met all of the EC's requirements, and the quantity of shipments continued to grow.

218. In June 2002, Bolivia noted that although the larger Bolivian exporters were able to meet the EC requirements at considerable costs and difficulties, smaller exporters could not fulfill the EC's requirements. Bolivia requested information on the manner in which the EC requirements for a quality control system were being applied. The European Communities stressed again that no consignments of Brazil nuts from Bolivia had been blocked due to aflatoxin. In fact, both the volume and value imported from Bolivia had increased in recent years. The EC Scientific Committee for Food had identified aflatoxins as among the most carcinogenic and mutagenic substances known, and intake had to be reduced to the lowest levels possible. Although the European Commission had agreed to accept certification from authorized Bolivian laboratories, Bolivia had not provided the necessary information.

219. In April 2003, Bolivia stated that a proposal had been submitted to the European Communities to strengthen the Bolivian system of certification for export of Brazil nuts. He hoped that a technical exchange would take place on this proposal in the near future. The European Communities noted that its authorities would need some time to examine the Bolivian proposal. The European Communities favoured certification at the point of departure by accredited laboratories and commended the Bolivian authorities for their proposal.

220. In June 2003, Bolivia informed Members that a bilateral meeting had resulted in a favourable outcome and Bolivia should soon receive the required permission. The European Communities indicated that the procedures for technical assistance were now in place and hoped the issue would soon be regarded as solved.

64. European Communities – Trade restrictions in response to cholera

Raised by:	Tanzania
Supported by:	
Dates raised:	March 1998 (G/SPS/R/10, paras. 56-57), June 1998 (G/SPS/R/11, paras. 96-99)
Relevant document(s):	G/SPS/N/EEC/54
Solution:	Measures revised.

221. In March 1998, the European Communities informed the Committee that it had taken safeguard measures with respect to imports of fruit, vegetables and fish products in light of a cholera outbreak in Tanzania, Kenya, Uganda and Mozambique. The inspection procedures in these countries had shown deficiencies, but the European Communities planned to consult with them to find arrangements by which they could put in force proper hygiene requirements. EC member States were trying to develop a joint cholera policy based on risk assessment. The WHO observer did not consider the import ban necessary, especially on fish products which were not consumed in raw form in Europe. He drew attention to the WHO Guidance on Foundation of National Policy and Control of Cholera, and particularly the conclusion in Chapter IX that: *"Although there is a theoretical risk of Cholera transmission associated with some food commodities moving in international trade, this has rarely proved significant and authorities should seek means of dealing with it other than by applying an embargo on importation".*

222. In June 1998, Tanzania reported that the European Communities continued to prohibit the importation of fresh, frozen and processed fishery products from the four African countries, although tests had not found the bacteria concerned. Tanzania stressed that the EC ban was having severe economic effects on the Tanzanian economy, and that according to the SPS Agreement, Members should help developing countries comply with their SPS measures. The European Communities responded that it was now satisfied the necessary guarantees were in place, and that a new measure restoring trade with the four African countries would probably enter into force on 1 July 1998.

65. European Communities – Restrictions on the importation of fruits and fruit juices

Raised by:	Brazil
Supported by:	Argentina, Bolivia, China, Cuba, Dominican Republic, Jamaica, Uruguay
Dates raised:	November 2002 (G/SPS/R/28, paras. 28-31), April 2003 (G/SPS/R/29, para. 211), June 2003 (G/SPS/R/30, paras. 164-165)
Relevant document(s):	G/SPS/GEN/355, G/SPS/N/EEC/160
Solution:	Not reported

223. Brazil raised concerns regarding the European Communities Directive 2002/71/CE, published on 19 August 2002, which established new maximum levels for dimethoate residues in and on cereals, foodstuffs of animal origin and certain products of plant origin, including fruit and vegetables. Brazil noted that the EC directive would have the effect of banning Brazilian orange juice from the European market and requested the European Communities to review the directive, taking into account all scientific information available. Bilateral discussions held on the previous day had been fruitful and Brazil requested a copy of the EC's scientific studies as soon as possible. Brazil noted that the issue of MRLs for dimethoate would be reconsidered by Codex at its meeting in June 2003, and requested the European Communities to suspend the implementation of this directive pending to a full assessment of the situation. Brazil also requested the European Communities not to apply the same approach in the re-evaluation of 320 active substances that was now underway. Argentina, Bolivia, Cuba, the Dominican Republic, Jamaica, and Uruguay supported the arguments made by Brazil, in particular, the need for scientific justification for maximum residue levels (MRLs), and expressed concern regarding the implications for developing country exports.

224. The European Communities stated that the document put forward by Brazil had not yet been discussed in Brussels. Dimethoate was already under evaluation by the European Communities and was one of the several hundred plant protection products which was being reassessed for its safety to the environment, animal and public health. The decision to establish a limit of analytical detection had not been lightly taken, but the scientific evidence suggested that the existing MRL was inadequate to provide for an appropriate level of health protection. A number of years ago a recommendation had been made to the Codex Committee on Pesticide Residues to withdraw the MRL for dimethoate. Under the circumstances the European Communities had considered it necessary to adopt this measure, although this was not a popular decision because this substance was used by a range of EC growers of citrus and other fruit products, and they were being obliged to withdraw its use. The measure had been notified (G/SPS/N/EEC/160) and that comments had been received and taken into account from a number of countries, including Brazil. The fears expressed by several countries over the impact of the ongoing evaluation of a range of other active substances would be communicated to the appropriate authorities.

225. In April 2003, Brazil stated that it looked forward to a receiving a copy of the EC scientific studies that would serve as the basis for the new European regulation setting MRLs for dimethoate.

226. In June 2003, Brazil noted that a shipment of Brazilian apples had been rejected in Sweden and that this was one example of how it would be affected by the new MRLs. The burden of proof for justification of the new measures was on the European Communities and its present approach was not in accordance with the principles for special and differential treatment. China supported the concerns of Brazil. The European Communities stated that bilateral consultations had been held with Brazil and hoped that the problem would be resolved soon. The underlying problem was that many pesticides and chemical products which were in use had never been properly evaluated. Where no toxicological data existed, the European Communities would use the level of detection. For products for which data was provided, the European Communities would proceed to establish an appropriate maximum residue level.

66. European Communities (Belgium) - Measures regarding canned tuna in oil

Raised by:	Philippines
Supported by:	
Dates raised:	November 1999 (G/SPS/R/17, paras. 87-88), March 2002 (G/SPS/R/26, para. 44)
Relevant document(s):	Raised orally
Solution:	Not reported

227. The Philippines expressed concern regarding a Belgian decision to withdraw from sale Philippine canned tuna in oil based on allegations of contamination with biphenol-A-diglycydyl and biphenol-F-diglycydyl. The European Communities responded that some products had to be withdrawn from sale and offered to pursue the matter on a bilateral basis with the Philippines. In bilateral discussions, Belgium transmitted, for consideration by the Philippines, information that in Belgium's view provided a basis for its action to withdraw the subject products from sale. The Philippines reiterated its objection to this action, which it considered was taken without sufficient legal basis.

67. European Communities (Spain) – Restriction on levels of copper and cadmium in imported squid

Raised by:	United States
Supported by:	Argentina
Dates raised:	October 1996 (G/SPS/R/6, paras. 16-17), March 1997 (G/SPS/R/7, para. 56), July 2001 (G/SPS/R/22, para. 127)
Relevant document(s):	G/SPS/GEN/265
Solution:	In July 2001, the United States indicated that it was not experiencing any problems, and was continuing to monitor the situation.

228. In October 1996, the United States noted that the Spanish regulation on levels of copper and other minerals in imported squid was discriminatory since domestic and EC products were specifically exempted. The European Communities replied that the scientific justification for imposing such a measure came from a WHO recommendation on maximum weekly intakes of metal. Harmonization of the permitted levels of various metals across the European Communities was currently being discussed in Brussels. Argentina observed that the problem was not one of harmonization, but of national treatment.

229. In March 1997, the United States recalled the discriminatory nature of the measure. The European Communities explained that although the norm only referred to third countries, in practice it was recognized by EC member States as well. In addition, the majority of squid imported into Spain came from outside the European Communities. Since Spain had a particularly high consumption of the products in question, this had to be taken into account in addition to WHO recommendations.

230. In July 2001, the United States reported that it was not experiencing any problems in the area and was continuing to monitor the situation (G/SPS/GEN/265).

68. European Communities – Restrictions on honey imports

Raised by:	United States
Supported by:	China, Mexico
Dates raised:	June 2003 (G/SPS/R/30, paras. 25-27)
Relevant document(s):	Raised orally
Solution:	Not reported

231. The United States stated that on 22 May 2003, the European Communities initiated administrative steps to prohibit imports of honey from the United States. EC Directive 96-23 required exporting countries to submit a residue plan. If the residue plan did not contain sufficient guarantees of compliance with EC residue limits, the country would not be authorised to export honey to the European Communities. The United States considered the EC regime to be far more trade restrictive than necessary, and whilst not having identical rules, the United States had comprehensive control mechanisms. Furthermore, honey was consumed in very small quantities and should be considered a "low risk" food. The existing rules in the United States were more than adequate to avoid harm to human health. China and Mexico supported the concerns raised by the United States.

232. The European Communities explained that it was a net importer of honey and that measures were in place to protect consumers. The request for a residue surveillance plan was a general rule which applied to all products, and a high level of surveillance was needed for honey as it tended to be consumed by children. The United States had received a warning in February 2003 that the absence of a residue plan would lead to their removal from the list of countries approved for import of honey

to the European Communities. The European Communities was, however, willing to examine any residue plans provided by the United States.

69. European Communities – Maximum levels for aflatoxins in corn and sampling contaminants in food

Raised by:	Argentina
Supported by:	
Dates raised:	June 2003 (G/SPS/R/30, paras. 32-33, October 2003 (G/SPS/R/31, paras. 52-53)
Relevant document(s):	
Solution:	Not reported

233. Argentina reported that consultations between its authorities and the European Communities had taken place on 2 July concerning EC Regulation 257/02 which imposed new maximum levels for aflatoxins in maize. Argentina considered the new measures to be scientifically unfounded and requested the European Communities to consider less trade restrictive measures and the possibility of special and differential treatment. The European Communities noted that there were considerable health problems with aflatoxins and the difficulties of establishing an appropriate limit. The new regulation would be notified to the Committee before it was applied and interested trading partners would have the opportunity to present their concerns and objections. In response to a question from Egypt, the European Communities clarified that the new measure would apply only to maize.

234. In October 2003, Argentina stated that the MRL for aflatoxin depended on the intended use of products and the levels were not consistent with international recommendations nor based on scientific evidence. However, the new regulation modified the MRL for corn and was less restrictive. Argentina requested a review of the sampling levels along with the scientific justification to support the measure. The European Communities stated that it had conducted scientific research to support the MRLs adopted for corn and that the levels could be met through good agriculture practice. The MRL for corn was established to protect consumer health.

70. European Communities – Notification G/SPS/N/EEC/196 on maximum residue levels in plant and animal products

Raised by:	China
Supported by:	Chile
Dates raised:	June 2003 (G/SPS/R/30, paras. 75-77)
Relevant document(s):	G/SPS/N/EEC/196
Solution:	Not reported

235. China indicated that it was highly concerned with the approach taken by the European Communities on maximum residue levels in plant and animal products and had submitted comments on the notification. China believed that the new rules were not in compliance with the SPS Agreement and requested information on the risk assessment undertaken by the EC. Brazil noted that it had previously raised similar concerns and requested a three year postponement of the measure. Chile expressed support for the position taken by China and Brazil and also requested information on the risk analysis and the scientific basis for the maximum residue levels. Brazil queried whether, for those pesticides where there was no scientific evidence, a precautionary approach would be used.

236. The European Communities replied that the draft rule replaced and simplified four existing directives. The new rule was scheduled to enter into force on 1 January 2005 and would lead to a

harmonization of maximum residue levels in the European Communities. The transitional process would be very long and additional comments could still be made. The objective was to examine 325 substances in order to update the available information and to set maximum residue limits since zero level was difficult to achieve. The new rule would not lead to a withdrawal of given authorizations except for use within the European Communities. Imports from third countries would not be automatically banned, but could be accepted on the basis of maximum residue limits when it could be shown that these limits were sufficient to protect health. Members and the Codex Alimentarius were invited to submit comments on which levels of residues might be considered as acceptable.

71. European Communities – Notification G/SPS/N/EEC/191 and Add.1 on food and feed controls

Raised by:	United States
Supported by:	Canada
Dates raised:	October 2003 (G/SPS/R/31, paras. 39-41)
Relevant document(s):	G/SPS/N/EEC/191 and Add.1
Solution:	Not reported

237. The United States stated that the notified measure would establish an extensive series of official controls on feed and food to be implemented by 1 January 2005. EC member States' control systems would be harmonized, integrating specific controls at all stages of production in all food and feed sectors. "Control plans" from exporting countries would have to be submitted annually to the European Communities. All exporting countries would have to demonstrate compliance or equivalence to the EC food safety measures for all products to be exported as a precondition for market access. Control plans required information on all legislation, organization of competent authorities, training of staff, resources available and assurance of equivalence of domestic safety measures. While the United States agreed this approach was appropriate for high risk products such as meat and poultry, it felt that this level of risk management was not appropriate for other types of food for which any identified risks were generally quite low.

238. Canada shared the concerns raised by the United States and noted that it had recently submitted comments to the European Communities. Canada sought more information regarding the requirements for non-EC countries.

239. The European Communities explained that the regulation should facilitate conformity of imported food with EC health standards and principles for checking food stuffs. Written comments received by the 27 July 2003 deadline would be considered by the EC Enquiry Point and Council of Ministers. As for the control plans, much of the requested information was already available on internet sites, i.e., USDA and FDA. The regulation, which was based on Codex recommendations, would facilitate trade through more transparency and the exchange of information on controls or checks for third countries.

72. European Communities (Germany) – Notification G/SPS/N/DEU/9 and Add.1 on maximum tolerance levels for ocratoxin A in coffee

Raised by:	Colombia
Supported by:	Bolivia, Brazil, Chile, El Salvador, Guatemala, Mexico, Peru
Dates raised:	October 2003 (G/SPS/R/31, paras. 47-49)
Relevant document(s):	G/SPS/N/DEU/9 and Add.1, G/SPS/GEN/434
Solution:	Not reported

240. Colombia stated that on 17 June 2003, Germany had notified a draft regulation for MRLs for ocratoxin in products, including soluble and roasted coffee. In September 2003, the application of the measure had been postponed until December 2003. Colombia believed that the MRL was disproportionate to the risks and that the scientific evidence regarding risks to human health was inconclusive. The economic losses could be significant for Colombia as it exported 1.7 million bags of coffee to Germany, which was equivalent to 17 per cent of its total coffee exports. The testing could result in 6 per cent of all coffee entering Germany from Colombia being rejected. Colombia questioned the relationship between this measure and the EC regulations.

241. Bolivia, Brazil, Chile, El Salvador, Guatemala, Mexico and Peru shared the concerns expressed by Colombia. Brazil noted that the higher MRL for soluble product compared to the roasted coffee was unusual, as normally products for direct consumption had lower levels of MRLs.

242. The European Communities explained that each EC member State retained the right to adopt national legislation for the protection of human health when no EC standard existed. Since there was no MRL ocratoxin A for coffee in the European Communities, Germany could establish its own MRLs. The measure was based on new scientific evidence. The European Commission had organized a meeting between Colombian and German toxicology experts, and replies to Colombia's questions would be circulated to all Members shortly.

Animal Health and Zoonoses

Concerns related to TSEs

73. European Communities – Transitional TSE measures

Raised by:	Canada
Supported by:	United States
Dates raised:	October 2001 (G/SPS/R/25, paras. 5-8)
Relevant document(s):	Raised orally
Solution:	Not reported

243. Canada expressed concern about loss of access to the EC markets for pet food, live bovine animals, embryos, ova and tallow in the wake of the adoption of transitional TSE measures by the European Communities. Canada stated that the EC regulations classified countries according to four levels of risk, but applied only two levels of risk management. According to the OIE criteria, Canada was BSE-free, yet Canadian exports faced identical trade restrictions to EC member States in which BSE was prevalent. These problems would be compounded by EC animal waste regulations due next year which threatened to prohibit the few remaining animal products that Canada could still export to the European Communities. Canada requested to be removed from the scope of application of these measures. The United States agreed that the European Communities was applying stringent measures to countries that were either not affected by BSE, or which had significantly different risk factors. This approach lacked scientific justification and ran counter to international standards. The European Communities explained that the transitional measures laid down import conditions for products of bovine, ovine and caprine origin, and would be extended to cover certification of other products of animal origin. Pet food was included to protect consumers' health. An exemption was made for countries classified in category one (presence of BSE unlikely), but neither Canada nor the United States were in this category.

74. European Communities – Geographical BSE risk assessment

Raised by:	Canada
Supported by:	United States
Dates raised:	July 2001 (G/SPS/R/22, paras. 22-26)
Relevant document(s):	Raised orally
Solution:	Not reported

244. Canada requested information on the EC geographical BSE risk assessment (GBR) process, the consistency of its application and how assessments could be reviewed when risks changed. Canada noted that the OIE was developing a system to verify countries' own assessments of their BSE status, and wondered how it would relate to the EC system. The United States was concerned that the European Communities was applying similarly stringent measures to countries with significantly different risk factors, a practice which lacked scientific justification and ran counter to existing international standards. It was not entirely transparent how country classifications would be determined nor what requirements would be applied in the meantime. The United States had submitted detailed comments identifying a number of problems with the methodology and with the information related to the United States. The United States urged countries to take the OIE standard into account when developing their BSE measures. The OIE representative clarified that the OIE would deal only with recognition of BSE freedom, not with the other four categories contained in the International Animal Health Code (G/SPS/GEN/266). The Commission on FMD and other Epizootics had received the mandate to develop guidelines to help member countries carry out their risk assessment, taking into account the experience from GBR assessments.

245. The European Communities explained that GBRs were based on information provided by trading partners in a 1998 questionnaire. The GBR methodology had been established by the EC Scientific Steering Committee. The new EC BSE-TSE measure was in conformity with the OIE Code, but the GBR pre-dated the current OIE Code. Any new scientific evidence could be submitted to the Commission and a re-evaluation of a GBR would be considered once additional stability measures had been implemented, allowing three to five years to take into account the incubation period of BSE. The EC representative explained the stability factors that were taken into consideration; these were considered on a case-by-case basis. The European Communities considered that the GBR reflected the international standard, and was willing to cooperate with Members and provide information. Knowledge about this disease should be shared to minimize trade effects where possible.

75. European Communities – Restrictions on the use of fishmeal

Raised by:	Chile, Peru
Supported by:	Ecuador, United States, Iceland
Dates raised:	July 2001 (G/SPS/R/22, paras. 17-21), October 2001 (G/SPS/R/25, paras. 12-17), March 2002 (G/SPS/R/26, 31-32)
Relevant document(s):	G/SPS/GEN/256, G/SPS/GEN/264
Solution:	Not reported

246. In July 2001, Peru expressed concern about the EC prohibition on the use of fishmeal in the elaboration of ruminant feed, which had no scientific basis, was not based on a risk assessment, and was more trade-restrictive than required. The competent authorities in Peru had shown that fishmeal and fish oil were safe to human and animal health, and had high nutritional value. Since the prohibition had a very serious impact on the Peruvian economy, Peru asked the European Communities to lift this restriction as soon as possible. Chile underlined that fishmeal was not at all related to BSE. At bilateral meetings, the European Communities had explained that the restriction was related to cross-contamination of fishmeal and other animal meals within the European

Communities. Chile requested the European Communities to exclude fishmeal from the prohibition, and to be more flexible with standards applied to processing plants in the meantime. The European Communities had classified Chile as having minimal BSE risk, and Chile had offered to provide quality and traceability certificates. Chile was surprised that there were no restrictions on vegetable meals, which could also be mixed with meat and bone meal (MBM) in feed. In addition, MBM continued to be used as pet food in the European Communities. The United States urged Members to reacquaint themselves with the relevant OIE guidelines and recommendations (G/SPS/GEN/230).

247. The OIE representative drew attention to the WHO/FAO/OIE conference held in June 2001 on BSE, public health, animal health and trade (G/SPS/GEN/260). The experts at this meeting had concluded that the basis of the EC ban on feeding rendered animal protein to farm animals was to avoid risk of cross-contamination of the animal feed system. Discussions had highlighted the lack of technical means to verify the absence of banned products in meals at very low levels. The European Communities confirmed that the ban on the use of fishmeal in ruminant feed was a safeguard measure reflecting failures in the implementation of rules on animal feed. Imports of fishmeal had not been prohibited, but its use was subject to strict conditions. The European Communities wished to minimize trade effects and was ready to evaluate with Chile, Peru and other countries the consequences, if any, on their exports.

248. In October 2001, Peru indicated that the European Communities recognized that there was no scientific evidence demonstrating that BSE could be transmitted through fishmeal, but maintained its restrictions to address an internal problem of cross-contamination and fraudulent practices. Peru requested that the European Communities lift the restrictions as soon as possible. Chile noted that applying the same restrictions on fishmeal as for MBM had no scientific basis and was not consistent with OIE or WHO recommendations. Chile was concerned over the length of time that the provisional measure had been in place and the suggestion that a new diagnostic test of the presence of animal proteins in feed would need to be developed before the measure could be rescinded. Chile would explore all options available under the SPS Agreement to have the restrictions lifted. The United States underlined the need for BSE control measures to reflect the different risk status of particular products and countries. Iceland objected strongly to the EC measures which were tantamount to an import ban on fishmeal for animal feed.

249. The European Communities clarified that the legislation was a provisional measure that covered the internal use of fishmeal. As all producers were requested to fulfil the same conditions, the measure was not discriminatory. A derogation allowed the use of fishmeal in feeds for non-ruminant animals provided certain strict production and handling conditions were met. The development of a reliable, but less laborious detection test would be a decisive element when reviewing the feed ban, and efforts were underway in the Communities in this regard. The representative of the European Communities questioned claims that the EC regulations had an adverse impact on trade.

250. In March 2002, Peru stated that there was a lack of political will on the part of the European Communities to reach a solution to this problem. Fishmeal posed no risk of BSE for human or animal health, but the EC measure created doubts among other countries, which resulted in a negative impact on fishmeal trade. Furthermore, as the EC measure had been extended indefinitely, it could no longer be justified as a provisional measure.

251. The European Communities noted that the measure was maintained due to demonstrated cases of cross-contamination detected through the EC's detection system. One tool which could help resolve this issue was a reliable test which could distinguish mammalian meals from fishmeal. Unfortunately, although under development, such a test would not be available in the near future. The European Communities requested Peru to provide evidence of trade disruption as a result of the EC measure, as no disruption was apparent in EU trade statistics.

76. European Communities – Cosmetics and BSE

Raised by:	Australia
Supported by:	Brazil, United States, Chile
Dates raised:	March 1997 (G/SPS/R/7, paras. 61-62), July 1997 (G/SPS/R/8, paras. 22-24)
Relevant document(s):	G/SPS/GEN/20, G/SPS/N/EEC/43
Solution:	Not reported

252. Australia expressed concern regarding an EC measure specifying that cosmetics containing certain bovine, ovine and caprine tissues etc. should not be placed on the market. This directive did not recognize the animal health status of supplying countries. The European Communities stressed that since BSE surveillance was still under development and since detection was difficult, there was considerable uncertainty surrounding the global prevalence of BSE. All comments received by the deadline would be taken into account, and the regulation would enter into force on 1 July 1997. In July 1998, the United States stressed that the measure would reduce or eliminate US exports of tallow derivatives, soaps and cosmetics. The European Communities clarified that in light of WHO recommendations, measures had to be taken to reduce the risk of transmission of TSEs to humans through the food or feed chain, pharmaceuticals or cosmetics. Regarding BSE-freedom, the European Communities was not prepared to recognize any country as BSE-free, taking into account the difficulties of certifying such a status.

77. European Communities – Rules on "specified risk materials" in products of animal origin

Raised by:	United States
Supported by:	Argentina, Australia, Brazil, Canada, Chile, Colombia, Czech Republic, Mexico, New Zealand, Uruguay, Switzerland
Dates raised:	October 1997 (G/SPS/R/9/Rev.1, paras. 10-14), March 1998 (G/SPS/R/10, paras. 13-19), June 1998 (G/SPS/R/11, paras. 34-38), July 2001 (G/SPS/R/22, para. 127)
Relevant document(s):	G/SPS/GEN/36, G/SPS/GEN/45, G/SPS/GEN/67, G/SPS/GEN/265
Solution:	Not reported

253. In October 1997, the United States raised concerns with Decision 97/534 EC banning the use of certain specified risk materials, which might cause international shortages of needed medical products and have a major restrictive impact on trade in tallow and derivatives, gelatine, pharmaceuticals and many food products. This ban seemed to be more restrictive than necessary to achieve its public health objectives, especially as it applied to the United States and other regions where BSE was not known to exist. The European Communities indicated that since scientific studies had shown that its previous measures might not be sufficient, it had raised its level of protection. Members who considered themselves to present no risk with regard to TSEs could present an application for examination by the EC Scientific Committee. Argentina indicated that in its view, measures which failed to distinguish between countries infected with BSE and countries not infected were contrary to the OIE recommendations and the SPS Agreement. He distributed copies of a BSE risk analysis.[4]

254. In March 1998, the United States reiterated that the European Communities should recognize the BSE-free status of the United States and other regions. Several delegations welcomed the EC decision to provide additional time to review all the scientific evidence and other important

[4] Argentine Scientific Advisory Committee on Bovine Spongiform Encephalopathy (1st Meeting), April 7-8-9-10, 1997, Buenos Aires, Argentina, "Secretaría de Agricultura, Ganadería, Pesca y Alimentación".

implications of the proposed measure and provided comments. The European Communities clarified that entry into force of its measure had been postponed from 1 April to 1 July 1998, and that BSE-free countries could apply for an additional derogation until 1 January 1999.

255. In June 1998, the European Communities reported that EC member States were still unable to reach a common position on the issue, and that the EC Decision would therefore not enter into force until 1 January 1999. In the meantime, member States had introduced a number of measures. The EC Commission was also submitting new legislation for approval, taking into account the OIE classification of countries with respect to BSE.

256. In July 2001, the United States indicated that the EC legislation on specified risk materials had entered into force for third countries on 1 April 2001 (G/SPS/GEN/265). The United States encouraged the European Communities to ensure that its measures took account of the disease situation in countries where BSE did not occur, such as the United States.

78. European Communities – Gelatin imports

Raised by:	Brazil, United States
Supported by:	Argentina, Australia, Chile, Mexico, Thailand, United States
Dates raised:	October 1997 (G/SPS/R/9/Rev.1, paras. 8-9), March 1998 (G/SPS/R/10, para. 16), September 1998 (G/SPS/R/12, paras. 22-23), November 1998 (G/SPS/R/13, para. 19), July 1999 (G/SPS/R/15, paras. 9-11), November 1999 (G/SPS/R/17, paras. 6-7), March 2000 (G/SPS/R/18, paras. 21-22), March 2001 (G/SPS/R/21, paras. 95-96), July 2001 (G/SPS/R/22, paras. 52-53), October 2001 (G/SPS/R/25, para. 34)
Relevant document(s):	G/SPS/GEN/133, G/SPS/N/EEC/74
Solution:	In October 2001, Brazil reported that the European Communities had lifted its restrictions in June 2001. US concern ongoing.

257. In October 1997, Brazil indicated that its gelatin exports had been negatively affected by French requirements for specific production methods, which in Brazil's view lacked scientific justification. Where BSE had been diagnosed, raw materials for gelatin were considered low risk products. In addition, there had never been a case of BSE in Brazil. The European Communities responded that the French decision had been taken in the expectation of EC provisions which would introduce conditions related to microbiological and chemical criteria, and minimum requirements related to BSE. The OIE Code required certain provisions which in the EC view Brazil did not fulfill, and Brazil had not presented an application to the European Communities to request recognition of its TSE-free status.

258. Brazil reiterated its concerns in March 1998, and indicated that an EC questionnaire on animal feeding in Brazil would soon be officially provided to the EC authorities. In September 1998, Brazil reported that despite numerous bilateral talks, no progress had been made. The European Communities noted that the origin of the problem was that Brazil considered itself as BSE-free, while in the EC view no country could be designated as BSE-free. Both countries agreed that there had been some misunderstandings and were willing to resolve them through further contacts. In November 1998, Brazil welcomed a new French decision which took into account some of the Brazilian comments, and urged France to implement these new requirements as soon as possible.

259. In July 1999, Brazil acknowledged the EC notification on the matter, but remained concerned as its gelatin exports were still interrupted. The proposed EC legislation, which was not based on a risk assessment, would severely impact the ability of non-European countries to supply gelatin to the EC market. Brazil asked that the European Communities accept other countries' measures as equivalent. The European Communities explained its new measure, and invited all Members to

comment in writing. In November 1999, both Members reported that they had decided to pursue the matter bilaterally. In March 2000, Brazil and the European Communities made a joint communication announcing that constructive consultations had taken place, and that the European Communities would evaluate the relevant documentation provided by Brazil.

260. In March 2001, the United States indicated that since May 2000, EC and US authorities had been discussing the continuation of US gelatin shipments based on the equivalence of US and EC safety systems. Despite continuing efforts of US regulatory authorities and industry, the European Communities had not agreed to accept equivalence based on export certificates issued by US authorities. As a result, there had been no exports of US food grade gelatin to the European Communities since June 2000. The United States appreciated EC efforts to review information, and urged the Commission to accept the equivalence of US certificates. The European Communities stated that both sides had a clear idea of the problems involved, which were primarily of a judicial nature. The European Communities was proposing flexible solutions which both parties might find acceptable.

261. In July 2001, the United States reported that despite ongoing efforts, US shipments of gelatin had been discontinued since June 2000 because the European Communities had not agreed to accept equivalence-based export certificates. The United States had demonstrated that US gelatin food safety systems met the EC appropriate level of protection. The European Communities clarified that US gelatin was not prohibited, but that negotiations were underway on a specific certificate for the United States. The equivalence of the US production system had been established on all but two points, where compliance with additional requirements must be certified. Since December 2000, the only pending question was that FDA, as a matter of policy, did not certify compliance with foreign rules, while the European Communities required certification by a competent authority.

262. In October 2001, Brazil reported that intense bilateral consultations on Brazilian processing methods and controls had resulted in the European Communities lifting its restrictions as of 13 June 2001.

79. European Communities (France) – Certification requirements for pet food

Raised by:	United States
Supported by:	Chile
Dates raised:	March 1997 (G/SPS/R/7, paras. 7-8), July 1997 (G/SPS/R/8, paras. 20-21), July 2001 (G/SPS/R/22, para. 127)
Relevant document(s):	G/SPS/GEN/18, G/SPS/GEN/265
Solution:	Not reported

263. In March 1997, the United States expressed concern with regard to French certification requirements adopted under national legislation which blocked US exports of pet food and had not been notified to WTO. Bilateral exchanges with France had produced no progress. The European Communities regretted that their internal procedure for notification of national measures had delayed notification of the French measure in question. The measure had been based on discussions and recommendations at the EC Commission level, recommendations by the WHO, as well as parallel scientific discussions in the United Kingdom and France.

264. In July 1997, the United States again raised concerns with the French measure for protection from TSEs. The measure did not account for the fact that the United States was BSE-free, and did not seem to have a scientific basis. Furthermore, the measure applied to species not affected by TSEs, such as poultry and fish. Chile expressed concern regarding the effect the regulation might have on trade in fishmeal. The European Communities pointed out a few inaccuracies in the US document, and noted that the provisions banning the use of frozen animals or animal cadavers were not

necessarily addressing health issues, but image and quality, and were therefore not strictly relevant under the SPS Agreement. Discussion of the matter continued within the European Communities.

265. In July 2001, the United States reported that its exports continued to be hampered by French certification requirements, which differed from those applied by other EC member States (G/SPS/GEN/265). The United States questioned the scientific foundation for excluding animal meat or bone meal from pet food produced in countries where BSE does not occur.

80. European Communities – Proposal on animal by-products

Raised by:	United States
Supported by:	Brazil, China, Australia, Canada
Dates raised:	April 2003 (G/SPS/R/29 paras. 40-45), June 2003 (G/SPS/R/30 paras. 47-49), October 2003 (G/SPS/R/31 paras. 27-30)
Relevant document(s):	Raised orally
Solution:	Additional time for compliance for third parties until 31 December 2003, EC offering targeted transitional measures to third countries on a case-by-case basis. Concerns on risk assessment not fully addressed.

266. The United States stated that EC regulation 1774/2002 would severely restrict or prohibit a range of animal by-products intended for use in feed, industrial or other non-food purposes. Due to the lack of transparency of this regulation, the lack of sufficient time and information for exporters to comply and the EC failure to adequately address the concerns of third countries, the United States requested a delay in the implementation of the regulation. The United States was also concerned about derogations for certain EC member States that were not available to third countries, the lack of scientific justification for the regulation and the lack of a risk assessment for the proposed inter-species feed ban. Brazil shared the concerns raised by the United States.

267. China requested the European Communities to delay the regulation's implementation until 1 May 2005. Australia stated that without clarifications and equivalence determinations, it would have difficulty in complying by 1 May 2003 and might seek a delay in the full implementation of the regulation. Canada stated that it did not see how practical implementation of this regulation would be possible by 1 May 2003 and was of the view that a delay in implementation was warranted and required.

268. The European Communities stated that the objectives of the draft regulation were to ban the recycling of dead animals, offer alternatives to denaturation, take account of environmental requirements, control traceability of sub-products and simplify the patchwork of existing legislation. Information meetings on 13 November 2002 and 28 March 2003 were organized and an explanatory document had been produced. The measures were based on solid science, even though no formal risk assessment had been conducted for each chapter of the text, and the European Communities were willing to make all relevant information available to trading partners. Certain EC member States and third countries had expressed concern over the date of entry into force of the regulation. As a result, the European Commission was studying transitional arrangements which would enable temporary flexibility on certain provisions. Any temporary flexibility or new measures on certification of third country products would be decided on and notified to WTO Members with a new deadline for comment.

269. In June 2003, China reported that it had submitted comments on the EC regulation on animal by-products but had not received any reply. China would need a transitional period of two years to adjust. The United States stated that concerns raised at the last SPS Committee meeting were still valid. The European Communities confirmed that comments made by China would be carefully

examined and that China would receive a response. The European Communities would take a flexible view on transitional measures for third countries.

270. In October 2003, the United States reported that despite bilateral technical discussions and the lack of scientific risk assessments, disruption of US exports of pet food was likely. Canada welcomed the decision to postpone implementation of the regulation for third parties beyond 1 May 2003. EC member States benefited from 16 transitional measures to allow them to adjust to the new regulations, and Canada asked to also benefit from such transitional measures. China requested a transitional review of the regulation and continued bilateral discussions.

271. The European Communities explained that transitional measures had been adopted for EC members States and additional time for compliance for all third parties allowed until 31 December 2003 (EC 1812/2003). Certification of imports had been reviewed and notified. The European Communities had decided to offer targeted transitional measures to third countries on a case-by-case basis. A technical agreement, based on comments received from Australia, Canada, China and the United States, would be notified shortly. The European Communities were awaiting the conclusions of a scientific review to produce the risk assessment which would be available in February 2004.

81. European Communities - Notification G/SPS/N/EEC/192 on transitional BSE measures

Raised by:	United States
Supported by:	
Dates raised:	April 2003 (G/SPS/R/29, paras. 97-98))
Relevant document(s):	G/SPS/N/EEC/192
Solution:	Not reported

272. The United States noted that according to Regulation 999/2001, the categorization of countries with regard to risk of transmissible spongiform encephalopathies (TSEs) would be made within six months of submission of the information. Although, the newly notified measure extended the transitional measure until 30 June 2005, the United States was concerned whether this was sufficient time for the European Communities to complete the classifications. There was no scientific justification for applying BSE-related restrictions on products from the United States.

273. The European Communities explained that the notification concerned an amendment to Article 23 of EC Regulation 999/2001 establishing rules for the eradication, prevention and control of certain TSEs. It included BSE and all TSEs. The amendment extended transitional measures established under Article 23 of this regulation. The regulation provided rules to determine the BSE status of particular countries which conditioned the application of measures covering the import of certain animals and animal products. Until the status determination was made, transitional measures were applied and were to remain in force until 30 June 2003. An assessment of the cases began at the end of 2001. However, modification of the categorization criteria was necessary to obtain a status reflecting actual risk. These criteria were taken from the international code of OIE but it appeared that the OIE was not ready to propose a list of BSE-free countries. Likewise, in the European Communities, scientific risk assessments for all countries were not yet finished, and the EC Scientific Committee had adopted opinions for only around one-third of countries asking for a determination of their status. Therefore, the transitional measures were being prolonged by two years until 1 July 2005. The European Commission would use this period to advance the work in the OIE on determining the BSE and TSE status of countries and complete the scientific risk assessments. The European Communities was examining the substantial documentation submitted by the United States in January 2003, and would report to the United States on the results of the risk assessment as soon as possible.

Concerns related to FMD

82. European Communities – EC Directive 2001/661/EC on foot and mouth disease

Raised by:	South Africa
Supported by:	
Dates raised:	April 2003 (G/SPS/R/29, paras. 38-39)
Relevant document(s):	G/SPS/GEN/373
Solution:	Not reported

274. South Africa stated that its concerns were detailed in G/SPS/GEN/373. South Africa and Namibia are identified as zones free from FMD without vaccination by the OIE. EC Directive 2001/661 recognized the free-zone status, allowing the import of fresh meat from South Africa except for areas within the FMD control zone of South Africa. However, Directive 2001/661 required supplementary guarantees for the export of ovine and caprine meat from the FMD free zones without vaccination and was inconsistent with Article 2.1.120 of the Terrestrial Animal Health Code of the OIE. Article 2.1.2.20 does not require the deboning of meat if the meat originates from FMD free countries or zones where vaccination is not practiced.

275. The European Communities explained that Council Directive 72/462 differentiated between various types of FMD. The Directive provided that the import of fresh meat from regions which were FMD free without vaccination but where vaccination against SAT or Asiat 1 viruses was practiced in another region of the country could only be authorized under certain conditions. One of the conditions was that the meat be mature, de-boned, with lymph nodes removed and that importation take place only three weeks after slaughter. These conditions applied to South Africa due to the presence of SAT in a part of South Africa even though certain areas were officially FMD-free without vaccination. The EC legislation, dating from 1972, was to be updated as SAT was no longer considered differently from other virus strains. This would occur with the entry into force of Council Directive 99/2002 on 1 January 2005. However, the European Communities was concerned that there had been four outbreaks of FMD in Namibia originating from Zimbabwe, where there were hundreds of cases. In these circumstances, it was prudent to authorize only the importation of de-boned, mature meat. Once the new Directive was in force, the European Communities would review its measure in light of the FMD situation in South Africa and its neighbouring countries.

Other Animal Health Concerns

83. European Communities - Ban on antibiotics in feed

Raised by:	United States
Supported by:	Australia, Canada
Dates raised:	July 1999 (G/SPS/R/15, paras. 26-29)
Relevant document(s):	Raised orally
Solution:	Not reported

276. The United States noted the failure of the European Communities to notify the ban on four antibiotics used in animal feed to enhance production that had been adopted in December 1998. Canada and Australia shared the US concern, and Canada requested to be informed when the European Communities reviewed its measure, which it understood to be provisional. The European Communities replied that this was an interim protective measure which would be re-examined before the end of December 2000. The results of the re-examination would be shared with Members, as well as published electronically. The measure had not been notified because it did not contain any provision applicable to imports, and therefore had no effect on trade.

84. European Communities – Salmonella-related restriction on fishmeal imports

Raised by:	Chile and Peru
Supported by:	
Dates raised:	October 1997 (G/SPS/R/9/Rev.1, paras. 48-50)
Relevant document(s):	Raised orally
Solution:	Not reported

277. Chile and Peru sought clarification regarding the EC directive governing exports of fishmeal, which was not applied to substitutes to fishmeal. These substitutes could also potentially be contaminated with salmonella, as had been confirmed by recent research carried out in the United Kingdom. The European Communities indicated that the directive was justified on the basis of available scientific information, although working groups were considering whether similar criteria should be applied to feedingstuffs of vegetable origin. Some EC member States had introduced heat treatment requirements, although others had found that there were not sufficient grounds for introducing such criteria.

278. Chile also raised concerns with unilateral import prohibitions by France and Italy affecting fishmeal for feeding ruminants, including mixtures with bone meal, with the alleged objective of preventing risk arising from contamination. The European Communities answered that it needed to effectively enforce its mammalian protein feed ban to ruminants, but was facing practical difficulties in segregating the origins of various raw materials, including fish. The European Communities indicated it would examine the issue together with the two member States involved.

85. European Communities – Notification G/SPS/N/EEC/190 on live animals and animal products

Raised by:	Australia
Supported by:	
Dates raised:	June 2003 (G/SPS/R/30, paras. 68-69)
Relevant document(s):	G/SPS/N/EEC/190
Solution:	Not reported

279. Australia stated that the notified measure would affect its alpaca exports to EC member States although Australia had been free from blue tongue for more than a decade, as recognized by many countries. Australia had submitted scientific evidence to the European Communities on several occasions and requested an update on this issue.

280. The European Communities clarified that the new notification was not due to a new regulation but merely a result of a simplification exercise which did not address Australia's situation. The European Communities indicated that it would respond to Australia's request directly.

86. European Communities – Notification G/SPS/N/EEC/198 on animal health conditions and certification requirements for live fish

Raised by:	Australia
Supported by:	
Dates raised:	June 2003 (G/SPS/R/30, paras. 70-71)
Relevant document(s):	G/SPS/N/EEC/198
Solution:	Not reported

281. Australia indicated that this new measure could affect its carp exports to EC member States. The United Kingdom had rejected live fish from Australia due to concerns about the existence of an unknown carrier state. Australia had suggested prior disinfection as a possible solution and had requested the risk assessment on which the measure was based, but received no response. This requirement was not in line with OIE standards.

282. The European Communities replied that the time period for replying to comments had not yet expired. The European Communities believed that the measures could be considered standard measures and that no risk assessment was necessary, although it was prepared to discuss the issue bilaterally with interested trading partners.

87. European Communities – Notification G/SPS/N/EEC/208 on sanitary conditions for the importation of live material for apiculture

Raised by:	Argentina
Supported by:	Australia, New Zealand, United States
Dates raised:	October 2003 (G/SPS/R/31, paras. 42-44)
Relevant document(s):	G/SPS/N/EEC/208 and Add.1, G/SPS/N/ARG/71
Solution:	Not reported

283. Argentina stated it recognized the need to minimize the risks of introducing pests of apiculture and that it had its own measures (G/SPS/N/ARG/71). However, the EC measure, which restricted the importation of queen bees and accompanying working bees from third countries, was unjustified. The EC measure required exporting countries to prove that they were free of the small hive beetle (*Aethina tumida*) and of the *Tropilaelaps* mite. Argentina was free from the pests and considered the EC response to its comments unsatisfactory. Argentina requested the European Communities to defer implementation of the measure.

284. The United States expected that the new regulation would take into account disease free areas, for example, Hawaii was free from the two pests. Australia supported the US position and stated that the EC proposed requirement was unreasonable and needed to take into account disease free status. New Zealand supported the comments made by Argentina, the United States and Australia.

285. The European Communities stated that the first notification was of a draft decision to restrict the importation of queen bees and their escorts to stop the introduction of the two parasites. These two parasites, although not included on the OIE list, posed a serious risk as they damaged hives and caused economic losses. Comments from Members had been taken into account and amendments to the measure had been notified. Disease free zones and health certificates covering these two pests would enable the safe import of bees into the European Communities.

Plant Health

88. European Communities - Notification G/SPS/N/EEC/131 regarding cut flowers

Raised by:	Ecuador, Israel
Supported by:	Kenya
Dates raised:	October 2001 (G/SPS/R/25, paras. 45-48), November 2002 (G/SPS/R/28, para. 179), April 2003 (G/SPS/R/29, paras. 94-96)
Relevant document(s):	G/SPS/N/EEC/131, G/SPS/GEN/278
Solution:	Not reported

286. Ecuador indicated that it had submitted a list of questions regarding the scientific grounds for the EC measure on cut flowers, the risk analysis, the methods to be used at entry ports, special treatment for developing countries, and possible alternative measures. Israel expressed concern over changes in inspection procedures that could detrimentally affect deliveries to its major export market. Kenya asked to receive a copy of the EC response to Ecuador's questions. The European Communities explained that the notification covered four harmful non-native organisms that were regularly intercepted on certain commodities including cut flowers: *Amauromyza maculosa*, *Bemisia tabaci* (non-European populations), *Liriomyza sativae* and *Thrips palmi*. At present, most cut flowers were not subject to plant health checks, but it appeared they were a pathway for the organisms in question, and control measures needed to be strengthened. To assess the comments made by Members, the proposed date of entry into force of the draft amended regulation had been deferred.

287. In November 2002, Israel expressed concern with EC Regulation 2002/36/EEC. While Israel appreciated that the European Communities had modified and delayed the entry into force of the proposed revision until April 2003, Israel was of the view that until the European Communities had finalized its pest risk assessment the new regulation should be a temporary, not a permanent, measure. Israel was further concerned that the European Communities was not taking measures to control pests already established in the EC member States from spreading to new areas, and requested consultations with the European Communities and other interested Members. Kenya also expressed hope that a solution would be found to the problem. The European Communities replied that the question was complex and went beyond a simple matter of the use of the precautionary principle. The ambitious pest eradication measures of the European Communities should not be undermined by imports. The European Communities agreed to bilateral consultations with Israel and Kenya.

288. In April 2003, Israel noted that EC notification G/SPS/N/EEC/131 concerned an amendment to regulation 2000/29/EC which came into force on 1 April 2003, and might have significant effects on the export of plant products from a number of Members. At bilateral consultations with the European Communities in March 2003, Israel expressed concerns regarding differentiation between European and non-European varieties of *Bemisia tabaci* and the existence of the non-European variety in some EC member States. Israel was in the process of analyzing the two pest risk analyses produced by the European Communities. Kenya stated it shared Israel's concerns with regard to unnecessary delays and adverse effects on cut flowers exports. Bilateral consultations with the European Communities on technical assistance for capacity building had not progressed as desired, although Kenya was still hopeful of an amicable solution.

289. The European Communities recalled that the measures had been enacted after constant interceptions of pests on products like fresh flowers led EC member States to review their protective measures. The proposed measures were notified to the WTO on 19 July 2001 and were to take effect on 1 January 2002. However, the European Communities had postponed entry into force until 1 April 2003 after consideration of the difficulties faced by certain exporting countries. Nevertheless, the European Communities had a responsibility to maintain its appropriate level of protection and could not indefinitely postpone the implementation of these measures. The European Communities had taken all necessary measures to avoid any breakdown to trade and offered to hold bilateral consultations on the matter.

89. European Communities - Measures on imports of Egyptian potatoes

Raised by:	Egypt
Supported by:	
Dates raised:	July 2001 (G/SPS/R/22, paras. 125-126)
Relevant document(s):	Raised orally
Solution:	Not reported

290. Egypt expressed concern that EC measures against imports of Egyptian potatoes, allegedly as protection against the disease Pseudomonas solanacearum, severely restricted imports. Importation of Egyptian potatoes was prohibited unless they originated from agreed pest-free areas, and could be suspended if five interceptions of the bacterium occurred during the 2000-2001 import season. Egypt believed that these measures might not be in accordance with the relevant provision of the SPS Agreement and the GATT 1994, and had prepared questions for the European Communities. The European Communities indicated that the questions would be answered, and clarified that Egyptian potatoes received special treatment in the European Communities. Imports were allowed until the fifth detection of brown rot, which was a disease on the quarantine lists of IPPC and EPPO, while the normal EC standard prohibited imports after one detection. The special treatment had been granted in consideration of Egypt's special efforts to control the disease. The European Communities had received and was studying a document from Egypt containing a contingency plan for brown rot potatoes. Egypt had also requested determination of new free areas for export for the next season, and the request was being considered.

90. European Communities - G/SPS/N/EEC/93 on wood packing material

Raised by:	Canada
Supported by:	Chile, Japan, Korea, United States
Dates raised:	November 2000 (G/SPS/R/20, paras. 33-35)
Relevant document(s):	G/SPS/N/EEC/93
Solution:	Not reported

291. Canada recognized that wood packing material was widely considered to be at risk of containing plant pests. However, it was used for a very large volume of products moving in international trade, and the proposed EC measure would cover 69% of Canada's exports to the EC. Furthermore, the IPPC was working on a comprehensive standard for all countries and all pests, to be completed by July 2002, it would be best for all countries to focus their efforts on developing an international standard and refrain from taking unilateral actions in this regard. The United States considered that it would be impossible to implement the certification and marking requirements within the time-period set out in the EC notification. Korea stressed the need for the European Communities to implement the least trade restrictive measure which would be effective, and in this respect to take into consideration the historic experience of trade without pest introduction, the processing of the packing materials, and the actual pest risks involved.

292. The European Communities replied that pine wood nematode had been detected in packing materials in 1998 and 1999, despite the existing EC requirements on wood packing materials. The EC Regulatory Committee for Plant Health was examining the comments which had been submitted on the EC notification. The European Communities was actively contributing to the IPPC efforts to develop an international standard, however this did not replace the need for an emergency measure to protect EC forests. It was now obvious that the EC measure would not be finalized and implemented on the 1 January 2000 date as initially proposed, and that bilateral and multilateral consultations would continue.

91. European Communities - Citrus canker

Raised by:	Argentina
Supported by:	Brazil, Chile, South Africa, Uruguay
Dates raised:	July 1997 (G/SPS/R/8, paras. 30-31), March 1998 (G/SPS/R/10, paras. 6-8), June 1998 (G/SPS/R/11, paras. 31-33)
Relevant document(s):	G/SPS/N/EEC/46, G/SPS/N/EEC/47, G/SPS/GEN/21, G/SPS/GEN/26
Solution:	Measure revised in 1998, problems persisting.

293. In July 1997, Argentina requested bilateral consultations with EC experts on the proposed measure on citrus canker, and that the measure be suspended during these consultations. South Africa requested that the European Communities reassess its measures in light of the fact that South Africa was free from citrus canker. The European Communities noted that it was preparing a response to the Argentine concern, and was open to consultations with interested parties. The European Communities was moving from a system with internal restrictions in the production areas of Italy, Greece and Corsica to a truly single market with free movement of goods. With no restriction on internal movement of fruit, and considering the risk of introduction and the related economic consequences, alternative protection for the main producing areas had to be considered. This included monitoring requirements in the exporting country, treatment and certification. The European Communities considered that its measures were based on science and minimized trade effects.

294. In March 1998, the European Communities reported that, in response to constructive consultations organized by the Chairman and involving Argentina, Chile, Uruguay, Brazil and South Africa, the measure had been revised and subsequently adopted. The revised text included the possibility for recognition of equivalent certification systems. Argentina agreed, but noted that negotiations on equivalence were not yet finished.

295. In June 1998, the European Communities indicated that it had come to the conclusion that, for the time being, Argentina could not objectively demonstrate the equivalence of its control measures with EC requirements. Argentina requested information on the risk assessment undertaken by the European Communities.

92. European Communities – Protected zones

Raised by:	Uruguay
Supported by:	Chile, Mexico, South Africa
Dates raised:	March 1997 (G/SPS/R/7, para. 60)
Relevant document(s):	Raised orally
Solution:	Not reported

296. Uruguay expressed concern about an EC decision to eliminate the criteria for protected zones within the European Communities, as this might result in a strengthening of phytosanitary requirements for the whole Community. This could also have negative consequences for citrus fruit exports from Chile. Delegations requested a clarification of the scientific basis for this proposal. The representative of the European Communities indicated he would forward the concerns to the relevant authorities. He clarified that according to the policy, access to the European Communities would depend on the conditions in the country of origin.

93. European Communities (Spain)- Phytosanitary regulations

Raised by:	Argentina
Supported by:	
Dates raised:	October 2001 (G/SPS/R/25, paras. 97-98), March 2002 (G/SPS/R/26, para. 42)
Relevant document(s):	Raised orally
Solution:	Not reported

297. Argentina expressed concerns about the difference between phytosanitary regulations in the Canary Islands and the European Communities, particularly as regarded apple and pear imports. As Argentina had demonstrated the equivalence of its measures in a communication to the EC representative in March 2001, there seemed to be no reason to prohibit exports of apples and pears to the Canary Islands. Argentina questioned why the Canary Islands had been exempted from the scope

of EC Directive 2029, and asked for a probable date for the implementation of this regulation. Argentina requested the acceptance of the equivalent measures proposed in March. The European Communities stated that it would provide Argentina with a bilateral reply in due course.

298. In March 2002, Argentina stated that certain points had been cleared up in bilateral consultations with the European Communities and Spain and that any further progress would be reported to the Committee.

Other Concerns

94. European Communities - Agricultural biotechnology approval process

Raised by:	United States
Supported by:	Canada, Argentina, Australia, Philippines
Dates raised:	October 2001 (G/SPS/R/25, paras. 102-105), March 2002 (G/SPS/R/26, paras. 33-35), June 2002 (G/SPS/R/27, paras. 56-57), November 2002 (G/SPS/R/28, paras. 69-72)
Relevant document(s):	Raised orally
Solution:	Not reported

299. The United States expressed concern regarding the lack of a functioning approval process in the European Communities for agricultural biotechnology products. Since 1998, a de facto moratorium on approval of biotechnology products had been in place. The United Stated believed that under the SPS Agreement the European Communities was obligated to have a functioning approval process and decisions on pending applications should not be delayed. The United States urged the European Commission to restart the approval process as soon as possible. Canada was concerned that the European Communities was fundamentally altering the regulation of agriculture and food products to discriminate on the basis of how a product was produced rather than the product's characteristics. Canada also considered proposed new EC regulations to be arbitrary, as they required labelling for highly refined products, such as oil that did not contain detectable DNA or protein, while not requiring similar controls on products that could present equal risk but were produced with other methods of development such as mutation breeding or mutagenesis. Moreover, the proposed regulations discriminated against products produced from genetically modified products, but not against products produced with genetically modified organisms such as cheese and wine. Canada argued that the proposed regulations were not commensurate with the risks and lacked scientific basis. Furthermore, the proposed regulations were fundamentally unworkable, as demonstrated by the one per cent threshold for the adventitious presence of GMOs.

300. The European Commission reaffirmed its interest and positive actions aimed at allowing the authorization procedures to continue. The recent meeting of the European Environment Council had started a very important discussion on proposals presented by the Commission to restart the authorization procedure.

301. In March 2002, the United States reported that no progress had been made on the EC approval system despite statements by various Commission officials. The de facto moratorium had resulted in the loss of over $200 million per year in US agricultural exports. New information given by Commission officials in February 2002 that the approval process would be restarted later in 2002 was welcome. Frustration in US commercial and political circles continued to increase. While the United States welcomed the establishment of the European Food Safety Authority, this did not address the fundamental problem of individual EC member States holding the approval process hostage to political concerns, with disregard for science and sound regulatory decision-making. Canada supported the US comments and noted that the March 1998 EC moratorium represented a de facto ban

on a wide range of products. As such it violated not just the SPS Agreement, but also Article XI of the GATT. Argentina echoed the concerns expressed by the United States and Canada.

302. The European Communities noted the absence of procedures at the international level for approval of these types of products. The European Communities was following closely the work of the Codex ad hoc Taskforce on Biotechnology. Considerable efforts had been made to put together a consistent body of legislation to set up an authorization procedure for products resulting from biotechnology, with the aim of giving the producer legal certainty and transparency. The newly established EC Food Safety Authority was responsible for risk assessment and risk communication, but further time was needed to complete work by the European Parliament and the member States.

303. In June 2002, the United States indicated their frustration with the situation and noted that it was considering what steps to pursue. Canada observed that the EC moratorium essentially operated as a ban on imports of certain products for over four years, without any scientific basis. The moratorium resulted in trade disruptions and discrimination based on production methods without regard to the assessment of risks. Canada considered the EC moratorium to be inconsistent with the SPS Agreement and the GATT, and requested the European Communities to put in place a science-based approval process, as well as to consider alternative measures. The European Communities replied that the matter was following political procedures as previously described. At this time, the European Parliament was considering the matter, and the Council of Ministers should examine the documents in the coming months. Internal procedures had to be followed to apply the proposed Directive.

304. In November 2002, the United States stated that the EC moratorium had resulted in approximately 1 billion dollars loss of US exports to the European Communities. Even senior European Commission officials had publicly stated that the moratorium was illegal. The United States indicated that despite the recent adoption of EC Directive 01/18, the moratorium remained in place and trade continued to be blocked. The United States was of the view that the Commission had the authority and the power to act in the face of this illegal moratorium and it had chosen not to do so. The Commission's failure to take action on this issue was a matter of growing concern to the United States. Canada shared the concerns expressed by the United States and regretted the inability of the European authorities to take steps to ensure that EC member States met their SPS obligations. Canada called upon the European Communities to lift the moratorium as soon as possible.

305. Australia supported the views expressed by the United States and Canada about the lack of scientific basis for the EC moratorium. Australia was also concerned about the EC related proposals on genetically modified food and feed, and the traceability and labelling of genetically modified organisms (GMOs). Australia requested further information as to whether the European Communities had conducted a science-based risk assessment for its traceability regulations or based its measure on an international standard. The European Communities had confirmed in their previous responses that the research undertaken had confirmed that those GM foods and GM plants and derived products so far developed and marketed following usual risk assessment procedures had not shown any new risk to human health or the environment, beyond the usual uncertainties of conventional plant breeding, or risks that were likely to put in danger the chosen level of health or environmental protection in the European Communities. Given this explanation, Australia requested further clarification as to how, in the absence of an identifiable risk to human health, the proposed traceability system met SPS requirements.

306. The Philippines shared the concerns expressed by the United States and reiterated his country's position regarding traceability of GMOs. The Philippines noted that the European Communities had failed to demonstrate any scientific evidence that GMOs were not as safe as their conventional counterparts, and that there were not less trade restrictive measures available to manage the risk.

307. The European Communities noted that the Commission and the EC member States remained determined to put in place a regulatory framework to allow GMO and GM products to be marketed freely within the European Communities and noted that the progress had been made in that respect. The European Communities requested patience and understanding on this very sensitive dossier which was being dealt with at the highest level within the European Communities.

CONCERNS RAISED BY EUROPEAN COMMUNITIES

Item Number	Country Maintaining the Measure
Food Safety	
Item 8	***Australia and New Zealand –*** *Import restrictions on cheese*
Item 20	***Brazil –*** *Import requirements for wine*
Item 27	***Canada*** *– Importation of cheese*
Item 37	***China –*** *Import ban on products of Dutch origin*
Item 109	***Japan's*** *regulation on food additives*
Item 136	***Panama –*** *Restrictions on milk powder imports*
Item 142	***Poland –*** *Requirements for imports of milk and milk products*
Item 160	***United States –*** *Notification G/SPS/N/USA/133 on refrigeration and labelling requirements for shell eggs*
Item 179	***Certain Members –*** *Restrictions on Pomace Olive Oil*
Animal Health and Zoonoses	
TSE Concerns	
Item 3	***Argentina –*** *Import restrictions on bovine semen, milk and milk products*
Item 29	***Canada –*** *Zoosanitary import policies pertaining to BSE*
Item 38	***China –*** *Import requirements for cosmetics*
Item 100	***India*** *– Import restrictions on bovine semen*
Item 107	***Israel*** *– Notification G/SPS/N/ISR/2 on TSE-related import restrictions of live cattle*
Item 148	***South Africa*** *— Prohibition on bone-in-beef imports from member States of the European Communities*
Item 162	***United States*** *– Measures related to BSE*
FMD Concerns	
Item 180	***Certain Members*** *— FMD-related import restrictions*
Item 114	***Japan –*** *Measures regarding FMD*
Item 131	***Mexico –*** *Restrictions on Austrian products*
Other Animal Health Concerns	
Item 5	***Argentina –*** *Temporary prohibition of fresh pork and products*
Item 9	***Australia –*** *Restriction on pigmeat*
Item 22	***Brazil –*** *Imports of live ostriches*
Item 39	***China –*** *Inspection and quarantine measures for aquatic products*
Item 48	***Czech Republic –*** *Regulation concerning warehouses and silos*
Item 101	***India –*** *Restrictions on imports of horses*
Item 137	***Panama's*** *restrictions on food products*
Item 163	***United States –*** *Restrictions on pigmeat*
Item 164	***United States –*** *Regionalization in relation to animal health*
Item 175	***Venezuela –*** *Import conditions for pork and meat products*

Item Number	Country Maintaining the Measure
Plant Health Concerns	
Item 14	***Australia*** *— Notification on methyl bromide*
Item 17	***Australia –*** *Dutch Truss tomatoes*
Item 24	***Brazil*** *– Import requirements for seed potatoes*
Item 40	***China*** *– Regulation on wood packaging material*
Item 49	***Czech Republic****–Imports of Potatoes*
Item 134	***New Zealand*** *– Proposed import prohibition of commodity-country combinations of fresh cut flowers and foliage*
Item 147	***Slovak Republic*** *– Import restrictions on potatoes*
Item 166	***United States*** *— Import restrictions on potted plants from the European Communities*
Item 168	***United States*** *– Imports of clementines*
Item 169	***United States*** *– Import restrictions on rhododendrons in growing medium*

THE GAMBIA

CONCERNS RAISED BY THE GAMBIA

Item Number	Country Maintaining the Measure
Food Safety	
Item 63	***European Communities –*** *Maximum levels for certain contaminants (aflatoxins) in foodstuffs*

HONDURAS

CONCERNS RELATED TO MEASURES MAINTAINED BY HONDURAS

Animal Health and Zoonoses

Other Animal Health Concerns

95. Honduras – Import restrictions on chicken meat imports

Raised by:	Costa Rica
Supported by:	Argentina, Chile, Thailand,
Dates raised:	November 2002 (G/SPS/R/28, paras. 22-27), April 2003 (G/SPS/R/29, paras. 63-64)
Relevant document(s):	G/SPS/GEN/347/Rev.1., G/SPS/GEN/362, G/SPS/GEN/363, G/SPS/N/HND/3, G/SPS/GEN/347/Add.1
Solution:	Not reported

308. Costa Rica reported that in March 2002, Honduras had applied import restrictions on poultry meat from Costa Rica, admitting imports of poultry meat only from countries that were free from avian influenza, avian infectious laryngotracheitis, Newcastle disease and avian salmonellosis. Costa Rica recognized Honduras' efforts to improve its sanitary situation, but questioned whether the measure was scientifically justified and whether Honduras had carried out a relevant risk analysis. In

this regard, it would be to the benefit of all if Honduras shared its scientific evidence with other members of the organization. Honduras was trying to reverse the burden by insisting that Costa Rica demonstrate its disease free status regarding these four avian diseases. Costa Rica's avian health status was in line with the parameters recognized by the OIE, and its poultry meat exports did not constitute a risk for the avian health status of Honduras. Costa Rica requested Honduras to respond to the questions contained in G/SPS/GEN/347/Rev.1 and requested that Honduras lift the measure. Argentina, Chile and Thailand supported the concerns expressed by Costa Rica. Chile requested information from the OIE on this issue, in particular concerning standards for the transmission of different avian diseases through fresh poultry meat. Chile also requested a copy of the risk assessment carried out by Honduras.

309. Honduras explained the background to his country's decision to impose restrictions on chicken meat imports from Costa Rica. The Agriculture and Livestock Secretariat had developed a national programme for the prevention, control and eradication of avian diseases, including avian influenza, avian infectious laryngotracheitis, Newcastle disease and avian salmonellosis. This programme had been notified to all WTO members (G/SPS/N/HND/3). In October 2001, Honduras had notified that it had achieved free status for the four avian diseases mentioned above. Honduras had requested that Costa Rica, as well as other countries, provide the necessary documentation that guaranteed equivalence between the exporting country's avian health status, as well as access for technical experts to carry out the relevant inspections. His authorities had not been able to determine that the poultry health programmes of Costa Rica were equivalent because they had been unable to carry out the relevant inspections and obtain the necessary technical information requested from Costa Rica. The scientific evidence requested by Costa Rica was contained in the OIE Bulletin, N°6, pages 810 to 815, and Honduras welcomed the updating of standards by the OIE.

310. The representative of the OIE stated that OIE standards existed for avian infectious laryngotracheitis, avian salmonellosis, and Newcastle disease, and for the highly pathogenic form only of avian influenza. The OIE standards for avian infectious laryngotracheitis and avian salmonellosis contained recommendations only for live birds, for day-old chicks, and for hatching eggs but no recommendations for poultry meat. In other words, at present there were no official OIE standards for poultry meat for these two diseases, however these chapters had not been reviewed for some time. The lack of a standard concerning poultry meat could mean either that there were no risks associated with trade in poultry meat for these diseases, or that the OIE had not come out with a recommendation on poultry meat which meant that trading partners would be expected to negotiate between themselves using risk analysis in order to reach science based conclusions. In the absence of an official OIE standard, the OIE had replied to a request from the Director of Animal Health in Costa Rica that there was no scientific evidence indicating that avian infectious laryngotracheitis or avian salmonellosis could be transmitted through poultry meat. This was not an official OIE standard but a scientific opinion from the OIE. If there was sufficient trade disruption due to the lack of an OIE standard for poultry meat for these diseases, the OIE would include updating these standards in its future work programme.

311. In April 2003, Costa Rica noted that bilateral consultations were progressing (G/SPS/GEN/347/Add.1). Honduras reported that after the November 2002 meeting of the SPS Committee, an agreement was reached on how to progress towards re-establishing trade of poultry meat and products from Costa Rica.

Plant Health

96. Honduras – Restrictions on imports of rough rice

Raised by:	United States
Supported by:	
Dates raised:	March 1997 (G/SPS/R/7, para. 55), July 2001 (G/SPS/R/22, para. 127)
Relevant document(s):	G/SPS/GEN/265
Solution:	Honduras lifted its restrictions in 1997, and the United States considers the concern resolved.

312. In March 1997, the United States expressed concern that Honduras had not lifted its restrictions on imports of rough rice. Honduras assured the Committee that its authorities would attempt to find a rapid solution to the problem.

313. In July 2001, the United States reported that Honduras had lifted its restrictions in 1997 (G/SPS/GEN/265). The United States considers this trade concern resolved.

HUNGARY

CONCERNS RELATED TO MEASURES MAINTAINED BY HUNGARY

Animal Health and Zoonoses

Concerns related to TSEs

97. Hungary - Restrictions on bovine products

Raised by:	Canada
Supported by:	
Dates raised:	March 2001 (G/SPS/R/21, paras. 16-17)
Relevant document(s):	G/SPS/GEN/230
Solution:	Not reported

314. Canada indicated that Hungary had suspended imports of all bovine products from Canada due to fears over BSE, although Canada was BSE-free and BSE could not be transmitted by bovine semen. Canada was willing to continue working with the Hungarian authorities to resolve this matter as quickly as possible. The United States drew attention to the OIE document (G/SPS/GEN/230) which listed products that were safe from BSE and encouraged Members to review their measures accordingly. Hungary reported that since several Members had recently imposed import bans on certain BSE-free countries, Hungarian consumers had begun to question the safety of animals and products from these countries. Hungarian authorities had made prion tests a mandatory condition for veterinary import licenses for live cattle, fresh meats and non-heat-treated products of bovine origin. Bovine semen was not subject to the import restrictions.

98. Hungary - Restrictions on pork products

Raised by:	Canada
Supported by:	
Dates raised:	March 2001 (G/SPS/R/21, paras. 31-32)
Relevant document(s):	Raised orally
Solution:	Not reported

315. Canada reported that as of January 2001, Hungarian importers of pork products from Canada had not been able to obtain import certificates from Hungary's veterinary services. A similar disruption had occurred the previous year, and had been resolved through bilateral discussion. Canada asked Hungary to resume issuing import permits, or to provide a legitimate scientific justification for the measure. Hungary referred to fears over BSE transmission and cross-contamination of foodstuffs, and was willing to enter into bilateral consultations on the matter. Canada requested clarification on the relevance of feed cross-contamination to the importation of frozen pork.

CONCERNS RAISED BY HUNGARY

Item Number	**Country Maintaining the Measure**
Animal Health and Zoonoses	
TSE Concerns	
Item 43	***Croatia –*** *Restrictions on live animal imports*
Item 156	***Turkey's ban on pet food imports****—Request for information from Hungary*
FMD Concerns	
Item 30	***Canada and the United States****—Import restrictions due to FMD*
Item 157	***Turkey –*** *Import ban on livestock*
Plant Health Concerns	
Item 146	***Slovak Republic****-- Restrictions on imports of apples, pears and quinces*

ICELAND

CONCERNS RELATED TO MEASURES MAINTAINED BY ICELAND

Food Safety

99. Iceland - Notification on meat and meat products

Raised by:	Argentina
Supported by:	
Dates raised:	March 2000 (G/SPS/R/18, para. 27)
Relevant document(s):	G/SPS/N/ISL/1
Solution:	Clarification provided

316. Argentina expressed interest in the notification of this measure permitting meat imports without heat treatment into Iceland since it appeared to open the market to higher quality beef, although this was not entirely clear from the notification. Iceland confirmed that meat could be imported without heat treatment, provided all necessary certificates and documents were submitted.

INDIA

CONCERNS RELATED TO MEASURES MAINTAINED BY INDIA

Animal Health and Zoonoses

Concerns related to TSEs

100. India – Import restrictions on bovine semen

Raised by:	Canada, European Communities
Supported by:	United States
Dates raised:	March 1999 (G/SPS/R/14, para. 19), (G/SPS/R/18, paras. 23-25), June 2000 (G/SPS/R/19, paras. 24-25), November 2000 (G/SPS/R/20, paras. 18-22), March 2001 (G/SPS/R/21, paras. 40-43), July 2001 (G/SPS/R/22, para. 51), April 2003 (G/SPS/R/29, paras. 76-77)
Relevant document(s):	G/SPS/GEN/113
Solution:	Change of relevant regulations and expected solution reported in July 2001.

317. In March 1999, the European Communities indicated that bilateral contact with India regarding import restrictions on bovine semen had not been successful, and submitted a list of specific questions. In March 2000, the European Communities reported that no information had been received from India, although there had been some bilateral and multilateral contacts. India presented some information to the EC delegate at that time.

318. In March 2000, Canada expressed concern that India was banning imports of bovine semen from Canada because of BSE concerns, although Canada was BSE-free, and although BSE was not transmissible through semen according to the OIE. India clarified that the measure was a licensing process, not a ban, which had been imposed to avoid inadvertent introduction of BSE or scrapie into India. India had prepared a questionnaire for its trading partners and was planning to carry out a risk assessment based on the responses. The representative of India indicated that he would bring the Canadian concerns to the attention of his authorities in order to solve the problem bilaterally as soon as possible.

319. In June 2000, Canada informed the Committee that bilateral consultations had failed to resolve the matter, and that India continued to restrict Canadian exports of bovine semen despite (i) Canada being BSE-free, (ii) OIE confirmation that BSE was not transmissible through semen, (iii) the OIE specifically not calling for restrictions on trade in bovine semen, and (iv) the absence of a risk assessment to justify India's ban on bovine semen. Canada asked that India remove this restriction. India noted that recent bilateral consultations had been helpful and that efforts were being made to find a solution to the dispute.

320. In November 2000, Canada, supported by the European Communities, reiterated its concerns regarding India's BSE-related restrictions on bovine semen imports, despite Canada's BSE freedom, and despite agreement in the OIE and other veterinary bodies that BSE was not transmitted by semen. In September 2000, India had indicated that it intended to continue this unjustified prohibition, despite the lack of risk assessment for the measure. India reported that detailed bilateral consultations were ongoing. The Indian Animal Husbandry Commission had met on 11 September 2000 and had noted the findings of the EC Scientific Steering Committee (SSC) regarding the difficulty of making precise estimates of the risks of infectivity of various products including semen.

321. India further reported that it had sought detailed information from the OIE regarding the basis for determining that BSE was not transmitted by semen, as well as information on the criteria for

determining if a country or zone was free from BSE. However, to date no reply had been received from the OIE.

322. The European Communities observed that India was referring to a scientific opinion which had been published in 1998, which had subsequently been modified through various meetings of the OIE. The representative of the OIE indicated that the issue of bovine semen had been examined on various occasions at the OIE, and the results of these examinations had been provided to India, however, the OIE would again send India all of the relevant information.

323. In March 2001, Canada and India announced that they had agreed to informal discussions under the SPS Agreement and hoped that the matter would be resolved soon. Canada recalled the OIE statement confirming that BSE could not be transmitted by semen (G/SPS/GEN/230). India stressed that it was not trying to give an unfair advantage to domestic producers. The socio-religious conditions related to the treatment of cows in India were such that India had to be extremely cautious. India asked Canada to cooperate with India's risk assessment, which would take at least another six months to complete. Canada questioned the need to carry out the risk assessment, since according to the OIE there was no risk of disease transmission through semen. India and Canada intended to raise the issue at the OIE.

324. In July 2001, Canada reported that it was engaged in bilateral consultations under the SPS Agreement with India. There had been certain positive developments and Canada hoped to quickly resolve the issue. India indicated that the relevant regulations had been changed, and that the changes would soon be notified.

325. In April 2003, Canada stated that although a successful conclusion had been reported to the Committee in July 2001, a further problem had been encountered and an import licence request was rejected by India due to some apparent connection between BSE and bovine semen. Canada questioned the scientific basis for the action and stated that the OIE's recommendations supported Canada's view. Canada requested that India remove this restriction. India agreed to convey Canada's concerns to the appropriate authorities.

Other Animal Health Concerns

101. India – Restrictions on imports of horses

Raised by:	European Communities
Supported by:	
Dates raised:	March 1999 (G/SPS/R/14, para. 20)
Relevant document(s):	G/SPS/GEN/112
Solution:	Not reported

326. The European Communities indicated that trade in horses with India had been interrupted, although the necessary health guarantees had not been identified. Import restrictions were based on the presence of contagious equine metritis. The EC representative presented a series of questions to India, including a request for justification of India's measure which was more stringent than the OIE Code.

CONCERNS RAISED BY INDIA

Item Number	Country Maintaining the Measure
Food Safety	
Item 63	***European Communities –*** *Maximum levels for certain contaminants (aflatoxins) in foodstuffs*

INDONESIA

CONCERNS RELATED TO MEASURES MAINTAINED BY INDONESIA

Food Safety

102. Indonesia – Ban on hormones in animal production

Raised by:	United States
Supported by:	Australia, Canada, Mexico
Dates raised:	November 2002 (G/SPS/R/28, paras. 83-86)
Relevant document(s):	G/SPS/N/IDN/17
Solution:	Not reported

327. The United States indicated that the implementation of this regulation would effectively ban the use of several growth hormones and there was no scientific evidence to support this measure. US regulatory agencies had been conducting research since the 1950s on the use and safety of approved growth hormones. A concensus had been reached regarding the safety of these hormones if used with good veterinary practices. The United States requested Indonesia to put forward scientific data in support of its proposed ban. In the event that no scientific data existed, the United States requested Indonesia to reconsider this proposal as soon as possible.

328. Canada, supported by Australia and Mexico, expressed concerns regarding Indonesia's apparent import ban on live cattle and beef derived from cattle treated with synthetic growth hormones. A number of questions surrounding the risk-based nature of these measures were highlighted, particularly given the precedence established in the WTO regarding measures prohibiting growth hormones. They requested Indonesia to indicate whether it had conducted a risk assessment and to provide the details of the risk based rational for its measures. The European Communities noted that there was a WTO finding on the issue and that it intended to bring its legislation into compliance with the ruling of the panel. Much work had been undertaken in this regard and the European Communities expected to soon be able to ensure that the EC ban was fully compatible with the WTO.

329. Indonesia noted that his country had not yet implemented the regulation, but had notified to Members the fact that they were going to amend the decree concerning classification of veterinary drugs. Although Indonesia had not yet banned hormone growth promoters, there were some reasons to believe that growth hormones could be hazardous to human health, due in part to the fact that developed countries' consumption patterns were different to those in Indonesia. Indonesia further noted that the use of hormone growth promoters in poultry had been banned internationally.

Animal Health and Zoonoses

Concerns related to FMD

103. Indonesia – Import restrictions on dairy products

Raised by:	Argentina
Supported by:	
Dates raised:	June 2002 (G/SPS/R/27, paras. 17-18), November 2002 (G/SPS/R/28, paras. 54-55), April 2003 (G/SPS/R/29, paras. 72-73), June 2003 (G/SPS/R/30, paras. 43)
Relevant document(s):	Raised orally, G/SPS/GEN/324
Solution:	Not reported

330. Argentina stated that as a result of the outbreak of FMD in 2001, Indonesia had banned imports of milk products, inconsistent with the SPS Agreement and OIE guidelines. The OIE Code stipulated that milk products be accepted if the sanitary authority of the exporting country certified that the necessary requirements had been introduced. Indonesian had not provided the opportunity for the Argentine National Agriculture and Food Quality and Health Service (SENASA) to certify the requirements set forth by the OIE. Indonesia indicated that import restrictions imposed on Argentina due to FMD only applied to fresh milk. Other dairy products, including skimmed milk, cream, butter, cheese and yoghurt, were not restricted. Restrictions on fresh milk were based on the fact that Argentina was not listed by the OIE as a country with zones free of FMD.

331. In November 2002, Argentina indicated that some practical difficulties still impeded Argentine dairy products, other than liquid milk, from entering Indonesia. Indonesia reported that as Argentina fulfilled the first provisions a questionnaire which would provided to them, Indonesia would send an inspection team to Argentina. Indonesia hoped that this would lead to a resolution of the problem.

332. In April 2003, Argentina reported that it had completed the questionnaire and extended an invitation to Indonesia but Indonesia had not yet sent an inspection team. Restrictions on imports of Argentine milk remained and Argentina requested clarification from Indonesia. Indonesia recalled that a questionnaire had been sent to Argentina on 27 January 2003. Out of five plants in Argentina, only one had the necessary controls. If Argentina could provide information on its control programmes, an investigating officer would be sent to conduct an on-site review of the plants in Argentina. Indonesia was confident that further bilateral efforts would resolve this issue.

333. In June 2003, Argentina reported that good progress had been made toward the resolution of the problem. Indonesia confirmed that the bilateral consultations had led to an agreement to send Indonesian inspectors to Argentina.

104. Indonesia - FMD restrictions

Raised by:	Argentina
Supported by:	
Dates raised:	October 2001 (G/SPS/R/25, paras. 92-93) (see also #85), October 2003 (G/SPS/R/31, paras. 35-36)
Relevant document(s):	G/SPS/GEN/240
Solution:	Not reported

334. Argentina noted it had raised concerns about Indonesia's FMD restrictions on certain products. Although Indonesia had informed Argentina that certain products had been re-classified,

the changes had not been implemented and Argentina was still unable to export the products concerned, mainly vegetables and corn. Indonesia stated that the ban on Argentine corn had been lifted as of August 2001. Indonesia looked forward to holding further bilateral discussions.

335. In October 2003, Argentina recalled that Indonesian restrictions went beyond the OIE recommendations (G/SPS/GEN/240) and included products not affected by FMD, i.e., cereals. Argentina requested Indonesia to provide scientific evidence to justify the measures or else lift the measures. Argentina had provided documentation in an informal bilateral meeting with Indonesia and proposed a visit of experts to resolve the issue. Indonesia stated that FMD was a serious risk as Indonesia was free of the disease. The ban was periodically evaluated and could be temporary. A visit by experts from Indonesia was being considered. Progress on this issue was being made in consultations with Argentina and the Committee would be informed.

Plant Health

105. Indonesia - Restrictions on importation of fresh fruit

Raised by:	New Zealand
Supported by:	
Dates raised:	November 2000 (G/SPS/R/20, paras. 8-10), March 2001 (G/SPS/R/21, paras. 44-45, July 2001 (G/SPS/R/22, paras. 54-55)
Relevant document(s):	G/SPS/GEN/219
Solution:	Restrictions lifted on 26 October 2001.

336. In November 2000, New Zealand noted that Indonesia had imposed restrictions on fresh fruit from New Zealand since the discovery of two fruit flies in a residential area of New Zealand in May 1996. No fruit flies were ever found outside a 200 meter zone around the initial incursion, and no fruit flies were trapped after three weeks. A number of WTO Members imposed restrictions on New Zealand fruit products following the initial incursion, but these restrictions were progressively lifted. Indonesia, however, continued to prohibit imports of fruit produced within a 15-km radius of the incursion and required cold treatment of all fruit from New Zealand. At bilateral consultations held in November 2000, Indonesia had undertaken to review the information which New Zealand had already provided. Indonesia took note of New Zealand's concerns, and clarified that it needed further documentation supporting New Zealand's claim of freedom from Mediterranean fruit fly. However, Indonesia had no intention of maintaining measures which were not justifiable under the SPS Agreement and remained open to further consultations in order to achieve an acceptable resolution.

337. In March 2001, New Zealand reported that bilateral consultations had taken place, and that Indonesia had indicated willingness to inspect the fruit fly surveillance and phytosanitary export assurance systems in New Zealand. Indonesia confirmed that officials were planning to visit New Zealand in the near future. Indonesia hoped that the visit would result in an expeditious solution. Indonesian officials visited New Zealand in May 2001 to review New Zealand's surveillance and export assurance systems. They verified that the fruit fly has been successfully eradicated. Indonesia agreed the requirement of cold treatment and Mediterranean fruit fly free production areas were no longer necessary. It advised that it would lift existing restrictions on the importation of fresh fruit from New Zealand on 1 August 2001. Indonesia notified (G/SPS/N/IDN/16) on 26 October 2001 that it was lifting its restrictions on New Zealand fresh fruit effective from the date of notification.

106. Indonesia - Fresh fruit and vegetables

Raised by:	Australia, United States
Supported by:	
Dates raised:	March 1997 (G/SPS/R/7, para. 22)
Relevant document(s):	G/SPS/N/IDN/2
Solution:	Not reported

338. Australia and the United States sought clarification with regard to the scope of the Indonesian regulation on fresh fruit and vegetables. In bilateral discussions with Australia, Indonesian authorities had referred to a problem arising from national practice, which precluded the circulation of draft regulations. The United States and Australia urged Indonesia to consider legislative adjustments to enable WTO Members to receive information on proposed measures sufficiently in time to be assessed. Australia appreciated Indonesian efforts to meet requests for additional information. Indonesia regretted that the draft regulation had not yet been finalized, but assured the Committee that a document containing detailed information about the proposed regulations would be provided in due course.

CONCERNS RAISED BY INDONESIA

Item Number	Country Maintaining the Measure
Food Safety	
Item 52	***European Communities –*** *Restrictions on shellfish*
Item 63	***European Communities –*** *Maximum levels for certain contaminants (aflatoxins) in foodstuffs*
Animal Health and Zoonoses	
FMD Concerns	
Item 113	***Japan –*** *Restrictions on importation of sugar cane top from Indonesia*

ISRAEL

CONCERNS RELATED TO MEASURES MAINTAINED BY ISRAEL

Animal Health and Zoonoses

Concerns related to TSEs

107. Israel - Notification G/SPS/N/ISR/2 on TSE-related import restrictions of live cattle

Raised by:	European Communities
Supported by:	Switzerland
Dates raised:	November 1998 (G/SPS/R/13, paras. 35-36)
Relevant document(s):	G/SPS/N/ISR/2
Solution:	Not reported

339. The European Communities said that it was not entirely clear how Israel categorized countries' BSE status, and that the notification did not provide sufficient information. It listed a number of requirements which appeared not to be justified, and were not based on OIE

recommendations. The European Communities requested an explanation of the notified legislation, and submitted a number of questions for written comment by Israel. Israel requested the EC questions in writing.

108. Israel – Measures affecting imports of bovine meat

Raised by:	Uruguay
Supported by:	Argentina, Brazil
Dates raised:	March 1997 (G/SPS/R/7, paras. 9-11), July 1997 (G/SPS/R/8, para. 6), November 2000 (G/SPS/R/20, para. 32)
Relevant document(s):	Raised orally
Solution:	Issue resolved.

340. In March 1997, Uruguay indicated that Israel had adopted BSE-related measures, including requirements that bovine meat come from cattle with a maximum age of 36 months, which had not been notified to WTO. Since the measure did not take into account the sanitary conditions in the country of origin, the potential effect on bilateral trade was serious. Israel replied that it had notified exporting countries of the planned measure which was based on a questionnaire circulated to beef exporting countries. Israel took note of the concerns expressed. In July 1997, Uruguay reported that bilateral consultation were taking place and that progress had been satisfactory. In November 2000, Uruguay reported that the issue had been resolved.

CONCERNS RAISED BY ISRAEL

Item Number	**Country Maintaining the Measure**
Food Safety	
Item 57	***European Communities —*** *Legislation on the fungicide thiabendazole (TBZ)*
Plant Health Concerns	
Item 88	***European Communities*** *— Notification G/SPS/N/EEC/131 regarding cut flowers*

JAPAN

CONCERNS RELATED TO MEASURES MAINTAINED BY JAPAN

Food Safety

109. Japan - Regulation on food additives

Raised by:	European Communities
Supported by:	United States
Dates raised:	November 2002 (G/SPS/R/28, paras. 35-37)
Relevant document(s):	Raised orally
Solution:	Not reported

341. The European Communities indicated that a list of substances, including food additives, aromas, food ingredients and extract solvents, were not formally authorized by Japanese law, which could constitute barriers to food product exports to Japan. Some of the additives had already been authorized by Japan for other purposes. The European Communities requested Japan to approve those

substances that had been evaluated by the European Communities on scientific grounds, and noted that all of the substances had been evaluated at the international level by the scientific committee of the Codex Alimentarius Commission. The European Communities reported that a number of bilateral meetings had already taken place. The United States shared the concerns expressed by the European Communities and urged Japan to consider expedited approval for these food additives that were commonly used and considered safe.

342. Japan stated that it had recently enacted a new policy for evaluating the safety and the necessity of the use of food additives and for authorizing their use. Japanese authorities were putting together a list of food additives that were considered safe and necessary to use for certain foods. The use of food additives varied from country to country depending upon customs and habits, and a number of food additives authorized by the European Communities were not authorized in Japan and vice versa. Japan suggested further bilateral consultations on this issue.

110. Japan - Amendment of the food sanitation law

Raised by:	China
Supported by:	Korea
Dates raised:	November 2002 (G/SPS/R/28, paras. 40-42)
Relevant document(s):	G/SPS/N/JPN/84, G/SPS/N/JPN/86
Solution:	Not reported

343. China raised concerns over Japan's amendment of the food sanitation law and the procedures followed. Japan's emergency notification (G/SPS/N/JPN/84), issued on 18 July 2002, indicated that the amendment prohibiting the sale, manufacturing and import of specific food, food additives, apparatus and container/packages when considerable amounts of foods were assumed not to be in conformity with the provisions of the Food Sanitation Law would enter into force on 7 September 2002. A related emergency notification had been made on 7 September 2002 (G/SPS/N/JPN/86). China questioned the appropriateness of the use of emergency notifications, as Members could not comment before the measure had been enforced. China requested Japan to provide the scientific evidence, including a risk analysis, that supported the measures taken. Korea indicated that it had requested information on Japan's amendment on 3 September 2002, and were awaiting a response.

344. Japan indicated that they had already received comprehensive comments from China on the amendment of the food sanitation law within the framework of the Trade Policy Review of Japan. The use of the emergency notifications were in accordance with the recommended procedures for transparency, however, Japan was prepared to consider the matter further on a bilateral basis.

111. Japan – Notification G/SPS/N/JPN/104 on the revision of standards and specifications for foods and additives

Raised by:	China
Supported by:	
Dates raised:	October 2003 (G/SPS/R/31, paras. 45-46)
Relevant document(s):	G/SPS/N/JPN/104
Solution:	Not reported

345. China expressed concerns over Japan's maximum residue levels (MRLs) for several pesticide residues, in particular MRLs for chlorpyrifos. The limits for chlorpyrifos in spinach and other products were not science-based.

346. Japan noted that answers to questions raised by China had been provided through the Japanese Embassy in China. With regards to the MRL for spinach, this product was not included in the notification. The MRL for the 15 pesticides were based on toxicological risk assessments including residue data and were no more stringent than Codex standards.

112. Japan - Notification G/SPS/N/JPN/9 on uses of living modified organisms

Raised by:	Australia
Supported by:	United States
Dates raised:	June 2003 (G/SPS/R/30, paras. 72-74)
Relevant document(s):	G/SPS/N/JPN/9
Solution:	Not reported

347. Australia indicated that Japan's notification regarding its proposed draft law on the conservation and sustainable use of living modified organisms raised a number of concerns. Australia was a major grain exporter and was especially interested in the documents which should accompany shipments. Japan had not responded to Australia's query. The United States was also concerned how Japan intended to implement the Cartagena Biosafety Protocol and in particular the documentation requirements.

348. Japan replied that it had ratified the Cartagena Biosafety Protocol on 10 June 2003 and its measures were consistent with the agreement. Japan would shortly provide responses to the questions it had received from Australia.

Animal Health and Zoonoses

Concerns related to FMD

113. Japan - Restrictions on importation of sugar cane top from Indonesia

Raised by:	Indonesia
Supported by:	
Dates raised:	July 2001 (G/SPS/R/22, paras. 32-35), October 2001 (G/SPS/R/25, paras. 24-25), November 2002 (G/SPS/R/28, paras. 185-186), June 2003 (G/SPS/R/30, paras. 57-58)
Relevant document(s):	G/SPS/GEN/266, Annex 1, G/SPS/GEN/240
Solution:	Not reported

349. In July 2001, Indonesia raised concerns regarding Japan's restrictions on the importation of sugar cane top for fear of contamination with FMD, although Indonesia was recognized as free from FMD. Indonesia had cooperated with Japan's assessment of the FMD situation in Indonesia, but was concerned about delays and information requirements. Indonesia intended to provide the information, but requested a clear schedule to ensure a speedy solution. Indonesia and Argentina requested the OIE to explain whether these restrictions could be justified. Japan replied that it had notified the animal health authorities in Indonesia of the additional information needed for the analysis and was waiting for Indonesia's response. The OIE confirmed that Indonesia had been recognized as free from FMD without vaccination (G/SPS/GEN/266, Annex 1). The International Animal Health Code contained a list of products which could transmit FMD, and the list did not include sugar cane (G/SPS/GEN/240). The Code considered that other products, such as cereals, fruits, vegetables and roots did not present a risk.

350. In October 2001, Indonesia reported that in addition to informal bilateral consultations, Indonesia had also provided detailed information requested in a questionnaire from Japan. Indonesia was willing to furnish all necessary documentation, as any protraction of this problem would have detrimental effects on the Indonesian economy. Japan stated that at a bilateral meeting certain misunderstandings had been cleared up. Japan looked forward to receiving such information as was necessary to resolve this problem.

351. In November 2002, Indonesia noted that the Japanese animal health inspection team had carried out an FMD risk assessment in Indonesia in June 2002. Indonesia recalled that the OIE had recognized the country as FMD free without vaccination and requested Japan to take this into consideration. Japan stated that the issue could not be resolved until the risk assessment was completed. Further data had been sought from Indonesia in order to finalize the risk assessment.

352. In June 2003, Indonesia raised concerns that Japan continued to ban imports of sugar cane top from Indonesia and as a result the Indonesian industry had collapsed. Japan had not acknowledged that Indonesia was free from FMD despite the fact the Indonesia's FMD-free status had been regularly confirmed by the OIE. Indonesia welcomed further Japanese missions to Indonesia but requested Japan to specify more clearly the issues of their concern. Japan responded that technical consultations had been held and more experts had been dispatched in June 2002 in order to provide Japan with additional scientific information. Further scientific assessments would now be carried out and Japan looked forward to continued consultations.

114. Japan - Measures regarding FMD

Raised by:	Argentina, European Communities
Supported by:	
Dates raised:	October 1997 (G/SPS/R/9/Rev.1, para. 46), March 2002 (G/SPS/R/26, paras. 15-17)
Relevant document(s):	G/TBT/Notif.97.357
Solution:	Not reported

353. Argentina raised questions on the notified TBT measure, which authorized imports of FMD inactivated vaccine (but only the O type of FMD inactivated virus), and exempted traders from undergoing the usual approval procedures. Three countries were designated as suppliers: Germany, the Netherlands and the United Kingdom. Argentina sought clarification regarding (a) the current FMD-status of Japan since the decision to import FMD vaccines took effect; (b) the criteria used to designate only three sources of supply; (c) whether Japan considered itself a "zero-risk" country and whether a risk assessment had been carried out in support of this "zero-risk" status; and (d) since Argentina was declared free of FMD with vaccination by the OIE, how Japan viewed its current policy not to import Argentine meat. Japan explained that the notified measure was an amendment to the approval procedures regarding the import of vaccines for emergencies. It was a precautionary measure following the outbreak of FMD in Chinese Taipei in March 1997. Argentina indicated it would provide its questions in writing to Japan.

354. In March 2002, the European Communities stated that slow administrative procedures had caused unjustified disruptions in the trade of several EC member States with Japan. In spite of the formal recognition by the OIE of EC member States as FMD free, Japanese procedures for recognizing the FMD free status of these countries dragged on. The European Communities noted that they had done everything possible to meet the Japanese requirements and expressed disappointment that Japan would not begin the re-opening process until after the official FMD free declaration by the OIE on 19 September 2001. The EC noted that the re-opening process itself was extremely cumbersome and combined with delays in organizing a Japanese inspection mission, the effect was unnecessary delay in reopening of the market. Furthermore, the European Communities

felt that the use of questionnaires was only justified at the time of the outbreak, and that import requirements should be made clear from the outset. The representative of the European Communities requested an indication of when Japan would recognize the EC FMD disease-free status. Japan noted that the risk assessment for FMD had been delayed due to late responses from France, Ireland and the Netherlands.

Plant Health

115. Japan – Official control restrictions on citrus and other fresh fruits and vegetables

Raised by:	United States and New Zealand
Supported by:	Australia, European Communities
Dates raised:	June 2002 (G/SPS/R/27, paras. 27-30), November 2002 (G/SPS/R/28, paras. 59-62), April 2003 (G/SPS/R/29, paras. 55-57), June 2003 (G/SPS/R/30, paras. 61-63), October 2003 (G/SPS/R/31, paras.19-20)
Relevant document(s):	G/SPS/GEN/357
Solution:	Not reported

355. The United States indicated that Japan continued to impose costly and unjustified quarantine actions when pests were detected on imported US fruits and vegetables, even though the same species were commonly found in Japan. In many instances these actions included treatment that damaged and destroyed the commodity in question. Japanese practices lacked a scientific basis and were inconsistent with IPPC standards on official control and risk assessment for quarantine pests. The result was an arbitrary and unpredictable system facing US horticultural exports to Japan. The United States supported Japan's efforts to bring its plant laws into line with international standards and hoped that bilateral technical discussions would result in the termination of unjustified requirements. The European Communities supported the US statement. New Zealand noted concerns with Japan's continuing practice of fumigating consignments of New Zealand's fresh products, due to the interception of pests that did not meet the definition of quarantine pests under the IPPC.

356. Japan recalled that during bilateral consultations with the United States in November 2001, the United States had requested Japan to abolish fumigation upon detection of California red scale and Fuller rose weevil in US produce, on the grounds that these were non-quarantine pests endemic in Japan. However, California red scale was under domestic control in Japan as a target pest of forecasting programmes and was therefore subject to fumigation if detected at import inspection. Fuller rose weevil had limited detection with only three points within Japan and was under government-oriented control aimed at eradication. It was not possible under these conditions to exclude those species from quarantine pests. Japan noted that they remained open to further consultations.

357. In November 2002, New Zealand expressed concern with Japan's official control restrictions, detailed in G/SPS/GEN/357. New Zealand requested Japan to confirm that it would not take any action, such as fumigation, on any pest found on imported produce if that pest was already present in Japan but not under official control as defined by the IPPC The United States recalled its concerns over the basis and application of Japan's phytosanitary legislation, in particular with respect to horticultural products that continued to face unjustified quarantine actions at Japan's ports of entry. Even when Japan required no domestic quarantine treatment for the same species of pests, the treatment imposed on imported produce included fumigation which in many cases ruined the products. The United States considered Japan's actions to be highly disruptive of trade. Australia and the European Communities expressed their concern regarding Japan's official control restrictions and supported the statements made by New Zealand and the United States.

358. Japan recognized that the IPPC standards should be one of the basis in a possible future quarantine system for Japan. Japan was examining whether its appropriate level of protection could be maintained by applying plant quarantine measures in line with the new IPPC definition, taking into account Japan's climate and the large volume of imports into Japan. A number of pests were presently under study and although a final conclusion had not yet been reached, discussions were underway to identify practical measures to reduce the effects of Japan's official control measures on international trade.

359. In April 2003, New Zealand stressed that Japan's policy was not consistent with the relevant international definition in ISPM-5 of the IPPC and Supplement No.1. Bilateral discussions between New Zealand and Japan continued and New Zealand requested a policy statement from Japan by 1 January 2003. To date, no such statement had been forthcoming. Japan had still not brought its phytosanitary measures in line with IPPC definitions and guidelines. The United States stated that it shared the concerns and frustrations of New Zealand and continued to experience trade disruptions due to Japan's phytosanitary legislation and unjustified quarantine actions. The United States had requested information on which pests were considered quarantine risks but did not receive a reply. Australia and the European Communities shared the concerns of New Zealand and the United States.

360. Japan stated that it was under no obligation to make a policy statement regarding non-quarantine pests, however, in the interest of transparency, Japan would provide a statement. Japan respected international rules, including IPPC guidelines, and took appropriate measures where necessary on the basis of its national plant protection laws. Further examination was necessary to see if Japan's current measures were consistent with international standards and representatives from outside government would be invited to review the situation.

361. In June 2003, New Zealand indicated that it was pleased to learn that Japan was reviewing its system in order to change it. The United States stated it was disappointed with the discriminatory nature of Japan's measures, its failure to notify internal regulations and the general lack of transparency within its system. Australia expressed support for statements made by New Zealand and the United States. Japan reported that bilateral consultations had been conducted and further examination would be necessary before conclusions could be drawn.

362. In October 2003, New Zealand reported that there had not been any response from Japan since bilateral contacts in April and June 2003. Japan responded that it was seeking to resolve the issue through technical discussions between relevant national experts. A bilateral meeting was to be held in November to discuss orchard controls and pre-clearance inspection systems. Japan reported that in June it had established a consultative group consisting of different stakeholders to examine whether its measures were consistent with international standards. This group had already met three times

116. Japan - Import measures on fire blight

Raised by:	United States
Supported by:	New Zealand, European Communities
Dates raised:	July 2001 (G/SPS/R/22, paras. 27-29), October 2001 (G/SPS/R/25, paras. 9-11), March 2002 (G/SPS/R/26, paras. 36-38), June 2002 (G/SPS/R/27, paras. 52-53)
Relevant document(s):	Raised orally; G/SPS/GEN/299, WT/DS245/R, WT/DS245/AB/R
Solution:	Consultations requested on 1 March 2002; panel requested on 22 May 2002; panel established 3 June 2002; panel report issued 15 July 2003, Appellate Body report issued 26 November 2003.

363. In July 2001, the United States maintained that Japan's requirements for imported apples were unduly restrictive. The United States and Japan had agreed on joint scientific research on apples and fire blight, and the United States was disappointed that Japan had not relaxed its import restrictions in accordance with the results of the research. New Zealand agreed that Japan's phytosanitary measures with respect to fire blight were not technically justifiable and should be modified accordingly. New Zealand intended to engage Japan in further bilateral discussions on this issue. Chile requested that the follow-up to this situation be reported to the Committee. Japan confirmed that the joint research had been completed, and indicated that a risk analysis was being conducted based on the results. There were some difficulties in finalizing the evaluation based solely on these results. Japan desired to continue the technical discussion between plant health authorities of both countries.

364. In October 2001, the United States reported on bilateral discussions on Japan's quarantine procedures on US apples. Although joint scientific research demonstrated that mature symptom-less fruit was not a pathway for the transmission of fire blight, a mutually acceptable technical solution had not been found. The United States was considering what further steps, including dispute settlement, it could take on the matter. New Zealand announced it would also seek bilateral discussions with Japan on its import requirements for apples. Japan stated that in order to complete the technical evaluation, additional information had been requested from the United States. Further bilateral contacts between the US and Japanese experts were considered appropriate.

365. In March 2002, the United States recalled that Japan’s quarantine restrictions prohibited apple imports from orchards in which any fire blight had been detected and required: three annual inspections of US orchards for the presence of fire blight, disqualification from export if fire blight were detected in a 500-meter buffer zone around the orchard, and post-harvest treatment with chlorine. The United States considered that these restrictions were not consistent with Japan's obligations under Article 11 of the GATT, or under the SPS Agreement. The United States had requested consultations under Articles 1 and 4 of the Dispute Settlement Understanding on 1 March 2002. New Zealand and the European Communities also expressed the view that Japan's restrictions on apples were more trade restrictive than necessary and stated their interest in a resolution of this issue.

366. Japan explained that the risk from the entry of fire blight was very serious. The United States had not provided Japan with sufficient scientific evidence to amend its phytosanitary measures. At a bilateral expert meeting in October 2001, Japan had identified the data that was needed and Japan hoped that the technical data would be provided by the United States so as to allow a resolution of this issue.

367. In June 2002, the United States reported that his country had requested the establishment of a dispute resolution panel with respect to Japan's measures related to fire blight. New Zealand indicated that Japan's measures lacked scientific justification and limited NZ exports of horticultural products. New Zealand and the European Communities indicated that their countries shared the US concerns and would participate in the dispute resolution procedure as third parties. Japan indicated that during the bilateral consultations held following the US request, Japan had indicated its willingness to consider relevant data submitted by the United States, however nothing had been provided. Fire blight was a serious plant quarantine disease which did not occur in Japan and which could severely damage the production of apples, pears and other fruits. Japan's measures were indispensable in order to prevent the entry of fire blight, and were fully justified on the basis of scientific evidence.

117. Japan – Testing requirements for different varieties of apples, cherries and nectarines

Raised by:	United States
Supported by:	
Dates raised:	October 1996 (G/SPS/R/6, paras. 11-12), March 1997 (G/SPS/R/7, para. 57), July 2001 (G/SPS/R/22, para. 127)
Relevant document(s):	G/SPS/GEN/265
Solution:	Dispute settlement (W/DS/76) - mutually satisfactory solution notified in August 2001.

368. In October 1996, the United States reported that, under a 1995 bilateral agreement, Japan allowed two varieties of US apples into its market. US suppliers had to conduct lengthy and expensive tests to demonstrate that combined treatment of methyl bromide and cold storage was effective in killing codling moths on both varieties. These and other tests had demonstrated that the effectiveness of this treatment did not vary among different varieties of fruit. Nevertheless, Japan continued to block the introduction of new varieties of US fruit by requiring such redundant testing. The United States had formally initiated a consultation process with Japan under Article 5.8 of the SPS Agreement. Japan indicated that the formal exchange would be followed by a clarification process involving technical experts until a solution was reached based on scientific principles. In March 1997, the United States indicated it was reviewing new information provided by Japan. Japan noted that bilateral efforts would continue in order to reach a solution.

369. In a document introduced in July 2001, the United States indicated that despite extensive consultations with Japan, the United States was still awaiting implementation of the Panel decision (G/SPS/GEN/265). A mutually satisfactory solution was notified in August 2001.

118. Japan - Plant quarantine regulations

Raised by:	United States
Supported by:	
Dates raised:	March 1997 (G/SPS/R/7, para. 26), July 2001 (G/SPS/R/22, para. 127)
Relevant document(s):	G/SPS/N/JPN/19, G/SPS/GEN/265
Solution:	Not reported

370. In March 1997, the United States informed the Committee of bilateral discussion with Japan regarding its plant quarantine regulations. Both Members agreed that the communication process had flowed smoothly, and that this was a good example of how the transparency provisions of the SPS Agreement could enhance the understanding between Members on points of concern. Japan maintained that its proposed regulation was based on the pest-risk analysis guidelines of the IPPC.

371. In July 2001, the United States reported that it had continued to hold bilateral consultations with Japan on aspects of its quarantine regulations, including measures related to apple imports (G/SPS/GEN/265). The United States considers this trade concern unresolved.

119. Japan - Amendment of the Japanese Plant Protection Law

Raised by:	United States
Supported by:	Australia, Canada, Chile, European Communities, New Zealand, Philippines on behalf of ASEAN, Uruguay
Dates raised:	November 1998 (G/SPS/R/13, paras. 31-34), November 1999 (G/SPS/R/17, para. 82), July 2001 (G/SPS/R/22, para. 127)
Relevant document(s):	G/SPS/GEN/100, G/SPS/N/JPN/37, G/SPS/GEN/265
Solution:	Not reported

372. In November 1998, the United States noted that the draft regulation proposed the addition of 27 pests to the list of non-quarantine pests in Japan's Plant Protection Law. The United States, although encouraged by certain aspects of Japan's proposal, continued to have concerns regarding the basis and application of Japan's phytosanitary legislation. The legislative amendments did not appear to alter the current practice of requiring fumigation and other costly treatment for most non-quarantine pests, including those pests which were widespread in Japan and not subject to internal regulatory or quarantine controls. The United States urged Japan to take into consideration the IPPC definition of a quarantine pest. The European Communities asked Japan to explain the scientific rationale behind its measure, and the risk assessment it was based on. Japan replied that its definition of quarantine pests complied with the IPPC definition. The list of non-quarantine pests would be reviewed in the future with a view to expansion. Japan welcomed continued bilateral consultations on the matter.

373. In November 1999, the European Communities recalled its request for an explanation of the Japanese measure, to which it had not received a reply. Japan announced that the matter would be pursued bilaterally.

374. In July 2001, the United States indicated that it continued to pursue the matter bilaterally with Japan.

120. Japan – Fumigation standards

Raised by:	United States
Supported by:	
Dates raised:	April 2003 (G/SPS/R/29, paras. 31-32)
Relevant document(s):	Raised orally
Solution:	Not reported

375. The United States reported that a newly adopted measure by Japan's Ministry of Agriculture, Fisheries and Food prohibited the re-fumigation of fruit or rice which had previously undergone fumigation in the United States. Japan had not notified this measure and the United States requested clarification from Japan on the objective of the measure, its scope, implementation, enforcement and projected trade effects, as well as a delay in its implementation.

376. Japan stated that it would transmit the United States' concern to its authorities and respond in due course.

121. Japan – Restrictions on imports of mangoes

Raised by:	Brazil
Supported by:	
Dates raised:	June 2003 (G/SPS/R/30, paras. 34-35), October 2003 (G/SPS/R/31, paras. 25-26)
Relevant document(s):	Raised orally
Solution:	Not reported

377. Brazil indicated that it had been seeking approval to export mangoes to Japan for 18 years. Japan demanded steam treatment in spite of the satisfactory level of the measures taken by Brazil, Chile and other potential exporters to avoid fruit fly. Japan had continuously demanded more information and had not taken previous scientific studies into account. Although Japan had offered technical assistance, this had not facilitated the process. Brazil considered that Japan's measures were inconsistent with the provisions of the SPS Agreement on equivalence, regionalization and technical cooperation.

378. Japan stated that Brazil had requested technical assistance in 1986 but had stopped the technical assistance in 1990 because it wished to develop its own technique based on hot-water treatment. This design was launched in 1998. Both countries agreed on this and the final data was submitted in 2001. Supplementary information was needed, however, before Japan could approve the measures and conclude the necessary technical studies.

379. In October 2003, Brazil stressed that Japan's restrictions on imports of mangoes were unjustified as mangoes were produced in an area 2000 km away from the area where the fruit fly was found. Brazil was waiting for the completion of the public consultation process in Japan and requested Japan to act swiftly to allow the importation of mangoes. Japan reported its authorities had recently received data from Brazil on the trapping of fruit flies and was in the process of reviewing the information. Brazil had submitted technical information in October 2001 and the technical studies by Japan were progressing well.

Other Concerns

122. Japan and Korea - Translation of regulations

Raised by:	Argentina
Supported by:	Thailand
Dates raised:	October 1996 (G/SPS/R/6, para. 26)
Relevant document(s):	G/SPS/N/JPN/1, G/SPS/N/KOR/29, G/SPS/N/KOR/20, G/SPS/N/KOR/31
Solution:	Not reported

380. Argentina regretted that the regulations notified by Japan and Korea were not available in one of the three WTO working languages. The Chairman recalled that Annex B, paragraph 8 of the SPS Agreement requires developed country Members to "provide copies of the documents or, in case of voluminous documents, summaries of the documents covered by a specific notification in English, French or Spanish", if there is a specific request from another Member. Japan observed that it normally provided summaries of the documents in English. Thailand suggested that countries give sufficient detail in the description of content of their notifications to enable relevant comments by recipient Members.

REPUBLIC OF KOREA

CONCERNS RELATED TO MEASURES MAINTAINED BY THE REPUBLIC OF KOREA

Food Safety

123. Korea – Import ban on frozen poultry

Raised by:	Thailand
Supported by:	
Dates raised:	October 1997 (G/SPS/R/9/Rev.1, para. 45), March 1998 (G/SPS/R/10, paras. 67-68), June 1998 (G/SPS/R/11, paras. 21-23), September 1998 (G/SPS/R/12, paras. 15-16)
Relevant document(s):	G/SPS/N/KOR/44
Solution:	Thailand's comments taken into account – measure amended.

381. In October 1997, Thailand indicated that Korea had banned Thai frozen poultry because of listeria, although Korean experts had been satisfied after visiting facilities of the Thai poultry industry. This ban had not been notified in advance. Thailand was determined to resolve this matter with Korea. Korea asked for detailed information in writing.

382. In March 1998, Thailand indicated that it had submitted the requested information. It sought clarification whether the measure was based on an international standard or on a risk assessment, particularly in light of information made available by the WHO working group on food-borne listeriosis, which indicated that listeriosis had a very low incidence in Asia. Korea responded that its measure was not a ban, but that consignments had been rejected.

383. In June 1998, Thailand noted that the proposed amendment to the Korean food code had been enacted retroactively to cover the disputed testing requirements and asked Korea not to enforce the testing requirements during the process of amendment of the food code. Korea reported that bilateral consultations had been held. The food code was being reviewed to improve food safety and to harmonize Korean regulations with international standards. All comments received were currently being reviewed, although some delays had occurred. Korea promised to inform Thailand of the final outcome.

384. In September 1998, Thailand asked for confirmation that the Korean Food Code had been amended so that zero tolerance criteria for listeria would not apply to imported frozen chicken after 16 June 1998. Korea clarified that meat for further processing and cooking was excluded from the requirement and not subject to inspection under the zero tolerance criteria for listeria.

124. Korea – Shelf-life requirements

Raised by:	Australia, Canada, United States
Supported by:	Argentina, European Communities
Dates raised:	June 1995 (G/SPS/R/2, paras. 39-40), November 1995 (G/SPS/R/3, paras. 7-8), May 1996 (G/SPS/R/5, paras. 42-44), March 1997 (G/SPS/R/7, paras. 20-21), July 1997 (G/SPS/R/8, paras. 8-9), October 1997 (G/SPS/R/9/Rev.1, paras. 6-7), July 2001 (G/SPS/R/22, para. 127)
Relevant document(s):	G/SPS/N/KOR/9, G/SPS/W/27, G/SPS/W/41, G/SPS/W/43, G/SPS/GEN/40, G/SPS/GEN/265
Solution:	The United States and Korea held formal consultations under dispute settlement (W/DS5), and notified a mutually agreed solution in July 1995. In July 2001, the United States indicated that the problem was resolved. Canada initiated formal dispute settlement (W/DS20), and a mutually satisfactory solution was notified in April 1996.

385. In June 1995, the United States informed the Committee of official consultations under Dispute settlement procedures with Korea regarding its government-mandated shelf-life requirements. Canada had joined these consultations. Korea indicated that although consultations had been productive, there was a high degree of ambiguity in the implementation of the Agreement. The parties had noted the lack of international standards in the area, and countries maintained very diverse practices. A mutually agreed solution was notified in July 1995. In November 1995, the United States expressed serious concern that Korea was not implementing the agreed settlement.

386. Also in November 1995, Canada indicated that it had initiated formal consultations with Korea related to shelf-life determination for bottled water and the prohibition of the use of ozonation. Korea confirmed that bottled water was excluded from the settlement reached with the United States, but was willing to enter into consultations with Canada. A mutually satisfactory solution was notified in April 1996.

387. In May 1996 Canada noted that although a formal understanding had been reached with regard to some concerns regarding shelf life, problems with the shelf life of bottled water continued. Korea had not offered any time-table for moving to a manufacturer-determined shelf life on bottled water. Korea took note of this concern. In July 1997, Canada reported that the matter had been pursued bilaterally, but no resolution had been found.

388. In May 1996, Australia expressed serious concern with regard to Korea's shelf-life regulations on ultra heat treated milk in consumer packs (UHT milk), which remained government mandated at a period substantially shorter than that applied in most countries. Australia was unaware of any scientific justification for this limited shelf-life period, and requested Korea to permit a manufacturer-determined shelf life by 1 July 1996. Korea took note of these concerns.

389. In March 1997, Australia reported that Korea had yet to implement a manufacturer-determined shelf life for UHT milk. Australia had provided a scientific submission to Korea in November 1996, which had not been accepted. Subsequently, Australia had provided another submission upon request. Korea indicated that it was reviewing the information provided by Australia and noted that its new system for shelf-life determination set a time-frame for the implementation of a manufacturer-determined shelf-life period for UHT milk.

390. In July 1997, Australia noted that Korea had not provided any justification for its non-acceptance of manufacturer-determined shelf life, and requested an explanation in accordance with Article 5.8. Korea indicated that manufacturer-determined shelf life would be applied to UHT milk before the end of 1998. In October 1997, Australia indicated that it had not received a satisfactory

answer from Korea. Korea replied that it was reviewing the possibility of extending the current mandatory shelf-life period for UHT milk even before manufacturer-determined shelf life applied at the end of 1998.

391. In July 2001, the United States indicated that it considered the trade concern to be resolved (G/SPS/GEN/265).

125. Korea – Guidelines for maximum residue level (MRL) testing

Raised by:	United States
Supported by:	Australia, European Communities, New Zealand
Dates raised:	October 2003 (G/SPS/R/31, paras. 11-14)
Relevant document(s):	G/SPS/N/KOR/123
Solution:	Not reported

392. The United States expressed concern that Korea's changed import regulation was onerous and not supported by science. Under the new import inspection programme imported grains, fruits and vegetables would be subjected to annual MRL tests for the presence of 196 agricultural chemicals. Importers would have to bear the US$1,800 cost of such tests, whereas domestic producers were exempt from the mandatory testing requirements. Domestic producers were subject to random test for which the Korean Government bore the costs. Australia, the European Communities and New Zealand also requested Korea to amend the measure which they described was contrary to Annex C of the SPS Agreement.

393. Korea responded that it had amended the regulations to meet its appropriate level of protection and noted that there were no comments on the issue when the SPS notification was circulated at the beginning of the year. Technical developments had reduced the cost of testing and as such Korea planned to considerably reduce the testing fees. The United States replied that it had submitted comments on Korea's notification in March and had two meetings in September with Korean officials regarding this issue.

126. Korea – Notification G/SPS/N/KOR/49 on transboundary movement of living modified organisms

Raised by:	Australia
Supported by:	United States
Dates raised:	June 2003 (G/SPS/R/30, paras. 72-74)
Relevant document(s):	G/SPS/N/KOR/49
Solution:	Not reported

394. Australia indicated that Korea's notification on the transboundary movement of living modified organisms raised a number of concerns. Australia was a major grain exporter and was especially interested in the documents which should accompany shipments. Korea had responded to Australia's query, and Australia was examining this response. The United States was also concerned how Korea intended to implement the Cartagena Biosafety Protocol and in particular the documentation requirements.

395. Korea stated that it was acting in line with the transparency requirements and would continue to do so.

Animal Health and Zoonoses

Concerns related to FMD

127. Korea – Import restrictions on beef

Raised by:	Argentina
Supported by:	
Dates raised:	July 1999 (G/SPS/R/15, paras. 13-14)
Relevant document(s):	G/SPS/GEN/109 and G/SPS/GEN/130
Solution:	Not reported

396. Argentina raised concerns regarding Korea's denial of access to Argentine beef without specifying its sanitary requirements or visiting Argentina to verify its sanitary status. Korea replied that since it had been free of FMD for 60 years, it applied very strict requirements. Korea believed it was acting consistently with OIE recommendations, and offered to discuss the matter bilaterally.

Other Concerns

128. Korea – Import clearance measures and practices

Raised by:	United States
Supported by:	Several delegations
Dates raised:	June 1995 (G/SPS/R/2, paras. 39-40), May 1996 (G/SPS/R/5, paras. 4-5), October 1996 (G/SPS/R/6, para. 54), March 1997 (G/SPS/R/7, para. 54), July 1997 (G/SPS/R/8, para. 77), October 1997 (G/SPS/R/9/Rev.1, paras. 42-43), July 2001 (G/SPS/R/22, para. 127)
Relevant document(s):	G/SPS/W/64, G/SPS/W/66, G/SPS/GN/6, G/SPS/GEN/265
Solution:	Consultations under Dispute Settlement initiated (WT/DS3, WT/DS41); mutually satisfactory solution found.

397. In June 1995, the United States informed the Committee that it had held formal consultations with Korea regarding its inspection and testing methods. Korea indicated that although consultations had been productive, there was a high degree of ambiguity in the implementation of the Agreement. The parties had noted the lack of international standards in the area, and countries maintained very diverse practices. In May 1996, the United States expressed serious concern regarding Korea's import clearance measures and practices, which were not based on science, did not conform to international practice or standards, and were deliberately employed to discourage food and agricultural imports. The United States had submitted a formal request for consultations. Korea replied that these issues had been discussed extensively in a series of bilateral consultations with the United States and other countries. Korea had taken various measures to comply with the SPS Agreement, but encountered problems common to developing countries: a low level of sanitary infrastructure, lack of experience and information, and lack of relevant international standards. However, Korea would continue to adapt its measures to the SPS Agreement.

398. In October 1996, the United States reported on ongoing discussions with Korea. The United States expected reforms to shorten the import clearance process in Korea without additional burdensome requirements, with a period for comments by WTO Members. Korea answered that an ambitious reform programme had been launched the previous year, including the establishment of an advanced inspection and quarantine system by the end of 1996. In March 1997, the United States noted that consultations continued. Although Korea had implemented some changes, concerns remained. Korea indicated that it would continue its efforts to conform its sanitary and phytosanitary legislation to the SPS Agreement.

399. In July 1997, the United States reported that after five rounds of consultations under the WTO dispute settlement procedure, some Korean import clearance laws and regulations had been reformed. However, since January new problems had arisen. The United States would continue to address these concerns in bilateral consultations until clearance times in Korean ports were similar to those in similar ports. Korea took note of the US comments. In October 1997, the United States noted that although some progress had been made, there seemed to be problems with the implementation of certain changes Korea had agreed to make. The representative of Korea indicated that in his view the new import clearance system was in full compliance with the SPS Agreement, however, the US concerns would be conveyed to the competent authorities in the capital.

400. In July 2001, the United States indicated that bilateral consultations initiated under the dispute settlement framework resulted in a mutually satisfactory and positive outcome (G/SPS/GEN/265). The United States considered this trade concern resolved.

LATVIA

CONCERNS RAISED BY LATVIA

Item Number	Country Maintaining the Measure
Animal Health and Zoonoses	
TSE Concerns	
Item 2	***Argentina, Australia, Canada, Korea, New Zealand, United States****—Import restrictions affecting BSE-free countries*

MALAYSIA

CONCERNS RELATED TO MEASURES MAINTAINED BY MALAYSIA

Food Safety

129. Malaysia and Singapore - Notifications related to dioxin

Raised by:	Switzerland
Supported by:	
Dates raised:	July 1999 (G/SPS/R/15, para. 16)
Relevant document(s):	G/SPS/N/MYS/6, G/SPS/N/SGP/7
Solution (if reported):	Problems with Malaysia and Singapore were resolved in July 1999.

401. Switzerland expressed concern that it had been affected by restrictions on imports of European goods in response to the dioxin crisis in Belgium. Some Members had not targeted their measures only to affected areas. Switzerland reported that a solution had been found with Malaysia, and that the last few problems with Singapore would be resolved soon.

CONCERNS RAISED BY MALAYSIA

Item Number	Country Maintaining the Measure
Food Safety	
Item 63	***European Communities –*** *Maximum levels for certain contaminants (aflatoxins) in foodstuffs*

MEXICO

CONCERNS RELATED TO MEASURES MAINTAINED BY MEXICO

Animal Health and Zoonoses

Issues related to FMD

130. Mexico - Import restrictions on beef

Raised by:	Argentina
Supported by:	
Dates raised:	July 1999 (G/SPS/R/15, para. 12)
Relevant document(s):	G/SPS/GEN/109 and G/SPS/GEN/129
Solution:	Not reported

402. Argentina indicated it had not received a satisfactory answer to repeated requests that Mexico provide information on its specific sanitary requirements for beef imports and the related risk assessments. Argentina recalled that it was free of FMD. Mexico took note of Argentina's concerns and expressed hope to resolve the matter bilaterally.

131. Mexico – Restrictions on Austrian Products

Raised by:	European Communities
Supported by:	
Dates raised:	April 2003 (G/SPS/R/29, paras. 36-37), June 2003 (G/SPS/R/30, para. 42)
Relevant document(s):	Raised orally
Solution:	Not reported

403. The European Communities stated that France, Ireland, the Netherlands and the United Kingdom had officially regained their OIE FMD-free status without vaccination after the 2001 outbreak. However, Mexico continued trade restrictions against Austrian animal products, despite the fact that Austria had not had a FMD outbreak since 1991. Austria had applied to be recognized as FMD-free by the Mexican authorities. Mexico indicated that Austria failed to meet certain requirements to be recognized as FMD-free and encouraged the Austrian authorities to complete a second questionnaire requesting more details.

404. In June 2003, the European Communities reported that bilateral consultations had been held, and Mexico confirmed that it expected the issue to be resolved soon.

Plant Health

132. Mexico – Import prohibition of milled rice

Raised by:	Thailand
Supported by:	
Dates raised:	October 1997 (G/SPS/R/9/Rev.1, para. 44), March 1998 (G/SPS/R/10, paras. 69-70), June 1998 (G/SPS/R/11, para. 24), September 1998 (G/SPS/R/12, paras. 17-18), November 1998 (G/SPS/R/13, paras. 14-16), March 1999 (G/SPS/R/14, para. 15), July 1999 (G/SPS/R/15, para. 7), November 1999 (G/SPS/R/17, para. 86), March 2000 (G/SPS/R/18, para. 26), June 2000 (G/SPS/R/19, paras. 22-23), November 2000 (G/SPS/R/20, paras. 23-25), March 2001 (G/SPS/R/21, paras. 46-47), October 2001 (G/SPS/R/25, paras. 112-113), March 2002 (G/SPS/R/26, para. 138), June 2002 (G/SPS/R/27, para. 131)
Relevant document(s):	G/SPS/N/MEX/44, G/SPS/N/MEX/45, G/SPS/N/MEX/55, G/SPS/N/MEX/153, G/SPS/N/MEX/172, G/SPS/GEN/82, G/SPS/GEN/105, G/SPS/GEN/172, G/SPS/GEN/216
Solution:	Revised regulation published on 15 April 2002.

405. In October 1997, Thailand reported that Mexico prohibited importation of Thai milled rice because of the fungus *tilletia barclayana* (Kernel smut), although Mexican experts visiting Thailand had concluded the fungus would be removed during milling, and although the fungus existed in Mexico. Mexico had informed Thailand that the prohibition would be replaced by a new regulation, but despite high-level consultations no progress had been achieved. Mexico assured the Committee that the matter would be followed up. In March 1998, Thailand indicated that it had received no replies to its written communication to Mexico. The Mexican delegate replied that he would convey the information to his authorities, who were studying the matter. Thailand expressed its disappointment at the lack of progress again in June 1998, and Mexico stated that the issue was still under consideration. In September 1998, Mexico reported on official contacts between the two countries. Mexico was conducting a risk assessment, but had not received the necessary information from Thailand.

406. In November 1998, Thailand reported that it had proposed holding consultations with the Chairman, but that Mexico had not agreed. He stressed that there was no data demonstrating the risk of transmission of the fungus *tilletia barclayana* from Thai milled rice. Mexico had requested information on a different pest for its risk assessment, but Thailand did not see the connection between the two issues, as this new pest was not listed in the regulation establishing the Mexican quarantine measures. Thailand was concerned that Mexico might request information on one pest after another. Mexico repeated that the requested information had not been provided. Both countries indicated consultations would continue.

407. In March 1999, Thailand indicated that although it had no obligation to do so, it was providing the information requested by Mexico. Mexico noted that its measures had been notified, and the text of the measures provided to Thailand. Mexico would review the latest information and act accordingly. In July 1999, Thailand reported that it had handed over additional documents to Mexico. Some progress had been made at bilateral consultations, where it had been clarified that *tilletia barclayana* was a quarantine disease only for seed imports, not with regard to rice imported for consumption. Mexico had also found no reports of the presence of the khapra beetle in Thailand, and would thus modify its regulation which had listed Thailand as a country affected by this pest.

408. In November 1999, Mexico informed the Committee that the phytosanitary regulations were being revised and would be published for comments. Mexico had provided Thailand with the text of the draft measures. Thailand indicated it was looking forward to the publication of the final measure and its notification to WTO. In March 2000, Thailand noted that Mexico had taken new measures replacing the ban, but these measures included unusual and unnecessary requirements such as fumigation at point of entry. Mexico invited Thailand to send official comments on the new draft regulation.

409. In June 2000, Thailand reported that bilateral consultations had taken place. Thailand had posed a list of questions regarding the measure notified in G/SPS/N/MEX/153. Mexico explained that the questions and comments from Thailand were being reviewed by the competent Mexican authorities. The sub-committee considering the matter would meet in July 2000, and responses to each of the comments would be published in the Official Journal before the final standard was published.

410. In November 2000, Thailand reported that although every effort had been made to find resolution to this problem, the issue was still unresolved. Thailand had not been informed of the status of the matter since the meeting of the Mexican phytosanitary committee in July and August 2000, and was interested in the expected date of amendment of the relevant Mexican standard. Mexico had no further information.

411. In March 2001, Thailand reported that during bilateral consultations, Mexico had indicated that it had removed the prohibition on Thai milled rice, and that Thailand was no longer listed as a country under quarantine against Khapra beetle. Thailand requested that Mexico notify this amendment to the SPS Committee. Thailand was satisfied with the interim measure which allowed for the importation of Thai rice upon request by importers. However, Thailand was concerned that the final publication of the phytosanitary requirements had not yet been adopted, meaning that the lifting of the ban could not be implemented on a permanent basis. Thailand would pursue the measure bilaterally with Mexico. Mexico explained that the definitive publication of the measure in the Official Journal had not yet been possible due to administrative procedures requiring legislation. However, Mexico would issue phytosanitary certificates until the time of publication. Imports had to fulfill certain criteria, including international phytosanitary certificates, inspection at point of entry, sampling for laboratory analysis and fumigation with methyl bromide. Fumigation at place of origin would only be accepted if the product was in plastic bags.

412. In October 2001, Thailand recalled that in March 2001 Mexico had announced that restrictions against Thai milled rice had been lifted on condition that it underwent fumigation treatment. Despite this statement, notification G/SPS/N/MEX/172 showed that Thailand remained on Mexico's list of countries affected by the Khapra beetle and subject to quarantine requirements. In subsequent bilateral consultations, Thailand had been informed that it would be removed from the list. Mexico expressed surprise at Thailand's statement since as of March, Mexico had imported over 1,000 tonnes of Thai rice. The product mentioned on the notification in question was not Thai rice.

413. In March 2002, Thailand noted that a bilateral meeting with Mexico on the matter had been held earlier in the week. Mexico reported that restrictions on milled rice from Thailand had been lifted as of March 2001, however the publication of the modified regulation had been delayed but would take place within 30 days.

414. In June 2002, Thailand informed the Committee that on 15 April 2002, Mexico had published the revised regulation. Thailand appreciated Mexico's cooperation on this matter.

133. Mexico – Restrictions on the Importation of Dry Beans

Raised by:	United States
Supported by:	Canada, Nicaragua
Dates raised:	April 2003 (G/SPS/R/29, paras. 28-30)
Relevant document(s):	G/SPS/GEN/379, G/SPS/N/MEX/68, WT/DS284
Solution:	Not reported

415. The United States reported that Mexico had unjustifiably implemented a temporary suspension on the importation of dried beans from the United States on 21 January 2003. Canada and Nicaragua stated that they shared the concerns of the United States. Canada noted that no provision had been made in the Mexican measure for shipments en route. Nicarugua indicated that access of its black beans to the Mexican market had been blocked for what it considered arbitrary reasons.

416. Mexico replied that high level discussions had taken place between the Mexican authorities and the United States and Canada. Mexico would communicate in the next few days what steps it would take to resolve this issue. Mexico would reply at a latter date to comments raised by Nicaragua.

CONCERNS RAISED BY MEXICO

Item Number	**Country Maintaining the Measure**
Food Safety	
Item 159	***United States—****Restrictions on melons*

MOLDOVA

CONCERNS RAISED BY MOLDOVA

Item Number	**Country Maintaining the Measure**
Food Safety	
Item 145	***Romania—****SPS measures on animal products*

NEW ZEALAND

CONCERNS RELATED TO MEASURES MAINTAINED BY NEW ZEALAND

Plant Health

134. New Zealand - Proposed import prohibition of commodity-country combinations of fresh cut flowers and foliage

Raised by:	European Communities
Supported by:	Colombia
Dates raised:	July 2001 (G/SPS/R/22, paras. 68-70), March 2002 (G/SPS/R/26, para. 44)
Relevant document(s):	G/SPS/N/NZL/24, G/SPS/N/NZL/142
Solution:	Proposed measures withdrawn

417. The European Communities was concerned that according to the proposed measure, plants not traded for two years might be subject to a prohibition, pending a new risk assessment. This practice was not in accordance with international standards, and was unnecessary and unjustified. Colombia expressed interest in participating in bilateral exchanges and in receiving relevant information. New Zealand explained that in 1997 it had commenced a review of its import requirements for cut flowers as imports were steadily growing. New draft standards had been approved and notified in 1998, and were being reviewed in light of the most up to date scientific data. At an initial step the review included the suspension of historic phytosanitary requirements for some countries. New Zealand had notified its plan to further consolidate the approved country-commodity schedules to include only those commodities that had actually been exported to New Zealand in the past two years. New Zealand would continue to address the EC concerns on a bilateral basis.

418. In March 2002, New Zealand stated that the proposed measures had been withdrawn.

CONCERNS RAISED BY NEW ZEALAND

Item Number	Country Maintaining the Measure
Plant Health Concerns	
Item 105	***Indonesia****—Restrictions on importation of fresh fruit*
Item 115	***Japan****—Official control restrictions on citrus and other fresh fruits and vegetables*
Item 154	***Chinese Taipei –*** *Restrictions on imports of potatoes*

NORWAY

CONCERNS RELATED TO MEASURES MAINTAINED BY EUROPEAN COMMUNITIES

Animal Health and Zoonoses

Concerns related to FMD

135. Norway – Restrictions on gelatin imports

Raised by:	Brazil
Supported by:	
Dates raised:	March 1996 (G/SPS/R/4, para. 47), September 1998 (G/SPS/R/12, paras. 24-25), November 1998 (G/SPS/R/13, paras. 19-20)
Relevant document(s):	Raised orally
Solution:	Import conditions clarified.

419. In March 1996, Brazil informed the Committee that Norway had halted the issuance of import licenses for Brazilian gelatin because of the existence of FMD in Brazil. Consultations with Norway had been initiated in 1995, and Norwegian authorities had reportedly declared the problem was solved. Nevertheless, import licenses continued to be denied. Norway stated that the ban on gelatin imports from Brazil would be lifted in the context of recent changes to import regulations. The two Members agreed to continue their consultations.

420. In September 1998, Brazil reported that bilateral contacts had not resulted in a lifting of the ban. Norway explained the conditions it applied to imports of Brazilian gelatin, and stated that applications fulfilling these conditions would be accepted. In November 1998, Brazil thanked Norway for having clarified its import requirements. Brazil would have no problem meeting these requirements and looked forward to resuming its gelatin exports to Norway.

PANAMA

CONCERNS RELATED TO MEASURES MAINTAINED BY PANAMA

Food Safety

136. Panama - Restrictions on milk powder imports

Raised by:	European Communities
Supported by:	
Dates raised:	November 2000 (G/SPS/R/20, paras. 15-16), July 2001 (G/SPS/R/22, para. 135)
Relevant document(s):	G/SPS/GEN/220
Solution:	Not reported

421. In November 2000, the European Communities indicated that since April 2000 the Panamanian authorities had delayed issuing the necessary import permits and certificates for the import of milk powder for human consumption from Denmark, resulting in a de facto ban on these products. No explanation had been provided in response to EC requests, and no notification submitted to the WTO. The European Communities requested a response by Panama to the questions contained in G/SPS/GEN/220. The representative of Panama agreed to submit the questions to his capital, and indicated the willingness of Panama to consult with the European Communities on this matter.

422. In July 2001, Panama informed the Committee that it had provided responses to the EC questions regarding powdered milk from Denmark. In these responses, Panama reiterated that it applied the same sanitary measures to domestic and imported products. The European Communities indicated that the Commission would study the answers and report back to Panama.

Animal Health and Zoonoses

Other Animal Health Concerns

137. Panama's restrictions on food products

Raised by:	European Communities
Supported by:	
Dates raised:	November 2002 (G/SPS/R/28, paras. 195-196)
Relevant document(s):	
Solution:	Not reported

423. The European Communities stated that Panama had instituted a range of severe measures on imports of animal products. Although the law was intended to address risks related to FMD, BSE, Newcastle disease and other exotic diseases, the European Communities considered the law to be disproportionate and not science-based. In addition, the measure had not been notified. Panama indicated that it hoped to be able to provide a prompt response.

Plant Health

138. Panama – Requirements for certification of consumer rice

Raised by:	United States
Supported by:	
Dates raised:	March 1997 (G/SPS/R/7, para. 15), July 2001 (G/SPS/R/22, para. 127)
Relevant document(s):	G/SPS/GEN/265
Solution:	Import restrictions removed in 1997, concern resolved.

424. In March 1997, the United States noted that Panama required imports of consumer rice to be certified free from the fungus *tilletia barclayana* (Kernel smut), although this fungus already existed in Panama. Furthermore, the fungus in question could not be transmitted through milled rice. Panamanian officials had allegedly suggested that current domestic supply conditions had influenced their decisions. The representative of Panama replied that she would forward a report from capital to the US Department of Agriculture.

425. In July 2001, the United States indicated that Panama had removed its import restrictions on rice in late 1997, and that the matter was resolved (G/SPS/GEN/265).

Other Concerns

139. Panama's import licenses for agricultural products

Raised by:	Canada
Supported by:	
Dates raised:	March 2002 (G/SPS/R/26, para.26)
Relevant document(s):	Raised orally
Solution:	Not reported

426. Canada stated that high level meetings were underway regarding the automaticity of Panama's import licensing procedures. Panama stated that Canada's concerns were being considered by the appropriate authorities.

PERU

CONCERNS RAISED BY PERU

Item Number	Country Maintaining the Measure
Animal Health and Zoonoses	
TSE Concerns	
Item 75	***European Communities —*** *Restrictions on the use of fishmeal*
Other Animal Health Concerns	
Item 84	***European Communities –*** *Salmonella-related restriction on fishmeal imports*

PHILIPPINES

CONCERNS RELATED TO MEASURES MAINTAINED BY THE PHILIPPINES

Food Safety

140. Philippines – Certification of meat and dairy products

Raised by:	Canada
Supported by:	Australia, European Communities, Korea, New Zealand, United States
Dates raised:	November 2002 (G/SPS/R/28, paras. 98-100), April 2003 (G/SPS/R/29, paras. 70-71)
Relevant document(s):	G/SPS/PHL/44
Solution:	Implementation of MO7 deferred indefinitely

427. Canada expressed concerns about the effects of the memorandum order MO7 from the Philippines Department of Agriculture, noting that it would have serious effects upon its exports of meat and dairy products. While Canada did not quarrel with the requirement that imports be produced in plants applying HACCP procedures and that there be a certification to this effect, it was not clear whether Philippine producers were subject to similar requirements. The requirement of a third party independent certification was unwarranted and not the least trade restrictive option. Canada's governmental authority, the Canadian Food Inspection Agency, was prepared to certify that exports to the Philippines had been produced in HACCP compliant plants and there was no need for additional certification by a third party. The European Communities, Australia, Korea, New Zealand and the United States shared this concern. The EC certification requirements already put a lot of emphasis on HACCP compliance. Australia felt that the Philippine's proposed measures were not in accordance with SPS obligations.

428. The Philippines clarified that certification of HACCP compliance by third party auditors was required in the light of several documented cases of contaminated products entering the country. The Philippines was concerned that not all shipments came from well established HACCP compliant plants. The measures were not meant to replace or duplicate the exporting country's inspection system but to complement it. The Philippines believed that appropriate and sufficient time had been provided to trading partners and foresaw no problem that trade restrictions might occur especially for

countries claiming to be HACCP compliant. The Philippines indicated that HACCP was a universal guideline approved and propagated by FAO and WHO.

429. In April 2003, Canada reported that on 24 February 2003, the Minister of Agriculture of the Philippines had announced that implementation of Memorandum Order 7 requiring third party certification for HACCP plants had been postponed. The European Communities, New Zealand and the United States shared Canada's appreciation of this decision. The Philippines confirmed that MO7 had been deferred indefinitely.

Plant Health

141. Philippines - Notification on Chinese fruit imports

Raised by:	China
Supported by:	
Dates raised:	March 2002 (G/SPS/R/26, para. 141)
Relevant document(s):	G/SPS/N/PHL/35 and Add.1
Solution:	Temporary ban lifted on the condition that those places identified as sources of infested exports undertake treatment to effectively kill the insect

430. China reported that the Philippines had applied an emergency restriction on imports of fruit from China, notified in G/SPS/N/PHL/35. The notification indicated that the measure was imposed because codling moth had been detected in imports of certain fruits. However, technical experts of both countries had re-identified the intercepted insect as peach fruit moth, a common pest. On this basis, the Philippines lifted the quarantine ban, but the addendum to the notification did not clarify the mistaken identification of the pest (G/SPS/N/PHL/35/Add.1).

431. The Philippines confirmed that further investigation had revealed that the intercepted insect was not codling moth, but Carposina nipponensis, a species not previously known in the Philippines. The Philippines had lifted the temporary ban on the condition that those places identified as sources of infested exports would undertake treatment to effectively kill the insect. This decision was reflected in the addendum to the notification, although the Philippines agreed to further correct the information provided in the notification, to avoid confusion and possible unnecessary restrictions on Chinese agricultural products by other Members.

CONCERNS RAISED BY THE PHILIPPINES

Item Number	**Country Maintaining the Measure**
Food Safety	
Item 7	***Australia —****Restrictions on imports of sauces containing benzoic acid*
Item 66	***European Communities (Belgium) —*** *Measures regarding canned tuna oil*
Item 63	***European Communities—****Maximum levels for certain contaminants (aflatoxins) in foodstuffs*
Plant Health Concerns	
Item 16	***Australia—****Restrictions on imports of tropical fresh fruit*
Item 25	***Brazil****—Import prohibition of coconut palms and related products*

POLAND

CONCERNS RELATED TO MEASURES MAINTAINED BY POLAND

Food Safety

142. Poland - Requirements for imports of milk and milk products

Raised by:	European Communities
Supported by:	
Dates raised:	November 1998 (G/SPS/R/13, paras. 70-71)
Relevant document(s):	G/SPS/N/POL/14
Solution:	Not reported

432. The European Communities indicated that the Polish sanitary requirements for milk and milk products resulted in unjustified trade distortions since they required the application of heat treatment to products which were produced with raw milk. The European Communities felt that there were equivalent procedures to ensure that Poland's level of protection was met, and invited Poland to engage in bilateral discussions on this measure. Poland indicated that the EC request would be considered.

Animal Health and Zoonoses

Concerns related to TSEs

143. Poland - Notifications on veterinary measures and measures on animal products including gelatin

Raised by:	Switzerland, United States
Supported by:	Brazil, European Communities
Dates raised:	June 1998 (G/SPS/R/11, paras. 48-49), September 1998 (G/SPS/R/12, paras. 46-48), July 2001 (G/SPS/R/22, para. 127), June 2002 (G/SPS/R/27, paras. 40-42)
Relevant document(s):	G/SPS/N/POL/3, G/SPS/N/POL/5, G/SPS/N/POL/13, G/SPS/N/POL/14 and Add.1, G/SPS/N/POL/25, G/SPS/GEN/265, G/SPS/GEN/322
Solution:	In June 2002, Poland noted that the regulation had been amended and restrictions on gelatine from bovine hides removed

433. In June 1998, the United States sought clarification of the status of this temporary ban, its scientific basis, and whether future amendments were being considered. Brazil, the European Communities, Switzerland and the United States expressed hope that the disease status of the supplying country, scientific factors related to the infectivity of gelatin and gelatin-containing products, as identified by the OIE, and non-discrimination between suppliers with similar BSE conditions would all be taken into account in future amendments. Poland indicated that the measure in question would remain in force until the end of June 1998, and would be replaced by a measure reflecting the present state of scientific knowledge. Regarding different treatment of Switzerland, the United Kingdom and Ireland, the new regulations had not yet been adopted by the Polish Government. Poland committed to providing a response on the basis of written questions from Switzerland.

434. In September 1998, Switzerland reported on informal consultations with Poland regarding border measures in relation to BSE which differentiated only between countries with a higher incidence of BSE and those of low incidence. This constituted a departure from OIE

recommendations, which also took into account surveillance and prevention systems. The European Communities indicated that imports from herds without BSE history should be accepted even for products in the highest risk category. Poland explained that the measure had been taken in relation to the BSE situation in the concerned countries. Bilateral consultations were ongoing with the United Kingdom, Ireland and Switzerland. The BSE situation was under permanent surveillance and all results would be taken into account during the year-end review of Poland's regulations.

435. In July 2001, the United States indicated that bilateral discussions on certification requirements for bovine gelatin continued (G/SPS/GEN/265).

436. In June 2002, Switzerland stated that Poland continued to restrict imports of bovine semen and gelatin from Switzerland although the OIE had concluded that bovine semen and gelatine did not present a risk regardless of the BSE status of the exporting country (G/SPS/GEN/322). The representative of the European Communities indicated that EC member States had similar concerns regarding Poland's measure. The representative of the OIE clarified that Chapter 4 of the International Animal Health Code recommended no restriction on bovine semen. No BSE risk had been identified from gelatin made exclusively from hides, however certain treatments were recommended with respect to gelatin made from bones if the exporting country were not free from BSE.

437. Poland clarified that bovine semen had never been covered by the Polish regulation in question. Its restrictions on imports of several animal products from Switzerland had been notified in G/SPS/N/POL/25. Furthermore, there had just been further amendments to the regulation, and restrictions on gelatine from bovine hides had been removed. Poland announced its intention to notify this new regulation.

Plant Health

144. Poland – Restrictions on wheat and oilseeds

Raised by:	United States
Supported by:	
Dates raised:	March 1997 (G/SPS/R/7, paras. 13-14), November 1998 (G/SPS/R/13, para. 27), July 2001 (G/SPS/R/22, para. 127)
Relevant document(s):	G/SPS/GEN/265
Solution:	Not reported

438. In March 1997, the United States questioned the phytosanitary health basis for Poland's restrictions which applied to weed seeds that existed world-wide, some of them known to be established in Poland. Poland replied that the measure did not affect trade with the United States, as no shipment of US grain or oilseeds had been rejected because of quarantine risks. In November 1998, the Chairman reported that he and the Secretariat had been requested to facilitate bilateral consultations between the United States and Poland regarding tolerance levels for weed seed, particularly of the genus *Ambrosia*. These consultations had focussed on technical aspects of pest risk analysis, and both parties had agreed to continue the discussions.

439. In July 2001, the United States indicated that it continued to pursue the matter bilaterally with Poland.

CONCERNS RAISED BY POLAND

Item Number	Country Maintaining the Measure
Animal Health and Zoonoses	
TSE Concerns	
Item 2	***Argentina, Australia, Canada, Korea, New Zealand, United States****—Import restrictions affecting BSE-free countries*
Plant Health Concerns	
Item 147	***Slovak Republic****—Import restrictions on potatoes*

ROMANIA

CONCERNS RELATED TO MEASURES MAINTAINED BY ROMANIA

Food Safety

145. Romania – SPS measures on animal products

Raised by:	Moldova
Supported by:	China
Dates raised:	June 2002 (G/SPS/R/27, paras. 35-37)
Relevant document(s):	G/SPS/GEN/334
Solution:	Not reported

440. Moldova indicated that Romania had begun to impose EC requirements on imports of meat and animal products although Romania did not meet these requirements domestically (G/SPS/GEN/334). As a result, meat, milk and egg exports from Moldova were in effect banned from the Romanian market, which normally absorbed about 80 per cent of Moldova agricultural exports. Romania had not provided any scientific justification for its measure. Its failure to notify the measure meant that exporters had not had any time to adapt to the new requirements. China expressed support for the concerns expressed by Moldova and urged Romania to review its measures in this area.

441. Romania argued that the measure in question was a result of its harmonization with the *acquis communautaire* of the European Union, and was necessary to ensure consumer protection. Romania stated that this was not a new SPS measure, so it had not been notified. Nonetheless, the Romanian Ministry of Agriculture was considering ways to address the difficulties posed to Moldova from its implementation.

CONCERNS RAISED BY ROMANIA

Item Number	Country Maintaining the Measure
Animal Health and Zoonoses	
TSE Concerns	
Item 2	***Argentina, Australia, Canada, Korea, New Zealand, United States****—Import restrictions affecting BSE-free countries*

SENEGAL

CONCERNS RAISED BY SENEGAL

Item Number	Country Maintaining the Measure
Food Safety	
Item 63	***European Communities—****Maximum levels for certain contaminants (aflatoxins) in foodstuffs*

SLOVAK REPUBLIC

CONCERNS RELATED TO MEASURES MAINTAINED BY THE SLOVAK REPUBLIC

Plant Health

146. Slovak Republic – Restrictions on imports of apples, pears and quinces

Raised by:	Hungary
Supported by:	European Communities, Bulgaria
Dates raised:	March 1998 (G/SPS/R/10, paras. 20-21), June 1998 (G/SPS/R/11, paras. 27-30), September 1998 (G/SPS/R/12 and Corr.1, paras. 31-34), October 2001 (G/SPS/R/25, para. 33)
Relevant document(s):	G/SPS/N/SVK/8 and Rev.1, G/SPS/N/SVK/11, G/SPS/GEN/79
Solution:	Hungary reported a mutually acceptable solution in October 2001.

442. In March 1998, Hungary indicated that although the Slovak Republic had made changes to its measure on importation of apples, pears and quinces as notified, the certification and information requirements were extremely burdensome. The measure appeared to be more restrictive than required to protect health, was not based on scientific principles and constituted a disguised restriction on trade. The Slovak Republic answered that the measure was intended for protection against the introduction of fire blight (Erwinia amylovora), which did not occur in Slovakia. The revised measure, which extended import possibilities, was consistent with the SPS Agreement, but the Slovak Republic remained open to bilateral discussions.

443. In June 1998, Hungary acknowledged improvements made by the Slovak Republic, but stressed that the measure was not consistent with recommendations by the European and Mediterranean Plant Protection Organization (EPPO). The licensing system, which applied to each consignment, remained too burdensome. The Slovak Republic replied that it imported 35 per cent of its apples, pears and quinces, which showed that there were no serious market access impediments. Given the potential economic costs of introduction of the disease, and since available scientific information was not sufficient, a precautionary approach was adopted in line with Article 5.7. The Slovak Republic was exchanging information with countries applying similar phytosanitary measures, and was ready to continue discussion with its trading partners. In September 1998, Hungary again acknowledged that the Slovak measure had been improved, although a partial ban still applied, for which no scientific justification had been given. The Slovak Republic reiterated its earlier arguments that it had put in place a temporary measure according to Article 5.7. In October 2001, Hungary reported that a mutually acceptable solution had been found.

147. Slovak Republic – Import restrictions on potatoes

Raised by:	European Communities, Poland
Supported by:	Argentina, Chile, Hungary
Dates raised:	March 1998 (G/SPS/R/10, paras. 22-23), March 1999 (G/SPS/R/14, para. 21), July 1999 (G/SPS/R/15, para. 65), November 1999 (G/SPS/R/17, para. 84)
Relevant document(s):	G/SPS/N/SVK/9, G/SPS/N/SVK/15, G/SPS/GEN/65, G/SPS/GEN/115, G/SPS/GEN/159 and G/SPS/GEN/165
Solution:	Measure revised in March 1999, problems persisting.

444. In March 1998, the European Communities pointed out that notification of the Slovak measure on potatoes as an emergency measure did not appear to be justified, and that less trade-restrictive measures could attain the required level of protection. The Slovak Republic responded that problems seemed to stem from the registration procedure, rather than from the phytosanitary requirements *per se*. Slovak authorities were about to remove the current strict registration requirements and establish a maximum residue level.

445. In March 1999, Poland reported that following bilateral consultations, the Slovak Republic had lifted its earlier import ban on Polish ware potatoes, but that it had been replaced with testing requirements for potato spindle tuber viroid. Poland considered this requirement an unjustified obstacle to trade since no comment period had been provided and since the imported potatoes were treated to impede germination and were thus unlikely to introduce diseases to crop plants. The representative of the Slovak Republic indicated he would transmit the Polish comments to his authorities. In July 1999, both delegations reported that consultations regarding potatoes and fruit, including apples, pears and quinces had taken place, and had been expanded to include Slovak exports of cereals, maize and malt to Poland. In November 1999, Poland informed the Committee on the development of the issue. The Slovak Republic thought it was more appropriate to discuss this matter at the expert level. The Slovak Republic stressed that it wanted to avoid importation of potato bacterial diseases. Import measures had been notified (G/SPS/N/SVK/15), and were based on a pest risk analysis.

CONCERNS RAISED BY THE SLOVAK REPUBLIC

Item Number	**Country Maintaining the Measure**
Animal Health and Zoonoses	
TSE Concerns	
Item 2	***Argentina, Australia, Canada, Korea, New Zealand, United States****—Import restrictions affecting BSE-free countries*

SLOVENIA

CONCERNS RAISED BY SLOVENIA

Item Number	Country Maintaining the Measure
Animal Health and Zoonoses	
TSE Concerns	
Item 2	***Argentina, Australia, Canada, Korea, New Zealand, United States****—Import restrictions affecting BSE-free countries*

SOUTH AFRICA

CONCERNS RELATED TO MEASURES MAINTAINED BY SOUTH AFRICA

Animal Health and Zoonoses

Concerns related to TSEs

148. South Africa - Prohibition on bone-in beef imports from member States of the European Communities

Raised by:	European Communities
Supported by:	
Dates raised:	March 1998 (G/SPS/R/10, paras. 32-33), September 1998 (G/SPS/R/12 and Corr.1, paras. 19-21)
Relevant document(s):	G/SPS/N/ZAF/2, G/SPS/GEN/95
Solution:	Not reported

446. In March 1998, the European Communities noted that the South African ban on beef imports applied to all EC member States. This was unjustified in light of measures taken at EC and national level in countries were BSE cases had occurred. In addition, South African requirements were not in accordance with OIE standards. South Africa stressed that the European Communities were a major supplier of meat to South Africa, and that South Africa had no interest in having consumers consider EC meat as unsafe. However, South Africa wanted to maintain its BSE-free status, and protect human and animal health. South Africa invited the European Communities to provide written comments.

447. In September 1998, the European Communities again raised this issue. South Africa replied that written comments from the European Communities had only recently been received. In March and July 1998, South Africa had provided to the European Communities a written explanation of the measure in question. Furthermore, South Africa had reiterated its invitation to the European Communities to submit evidence which would permit a re-evaluation of its decision, possibly on an individual EC member State basis. In accordance with Article 5.7, South Africa would review its measure in the light of additional information. The European Communities recognized that it had yet to provide a written reply to South Africa's request for information, and welcomed the invitation for bilateral discussions of the issue.

Concerns related to FMD

149. South Africa – Restrictions on beef and pork

Raised by:	Brazil
Supported by:	
Dates raised:	June 2002 (G/SPS/R/27, paras 19-20), November 2002 (G/SPS/R/28, para. 176)
Relevant document(s):	Raised orally
Solution:	Imports of meat and pork from Brazilian regions free of FMD authorized. Problems remaining concerning administrative procedures for meat products.

448. Brazil stated that in February 2002, South Africa had suspended imports of beef and pork from Brazil, because FMD vaccination was practised there. South Africa's import ban was not based on the OIE standards nor on scientific evidence or risk assessment nor had the measure been notified. Brazil requested South Africa to lift the ban and accept the risk mitigation procedures established by the OIE. South Africa indicated that they were committed to bilateral consultations with a view to find a quick solution to the problem. In November 2002, Brazil reported that South Africa had authorized imports of meat and pork from Brazilian regions free of FMD. Some difficulties remained regarding administrative procedures for meat products, but were expected to be resolved soon.

CONCERNS RAISED BY SOUTH AFRICA

Item Number	**Country Maintaining the Measure**
Animal Health and Zoonoses	
FMD Concerns	
Item 82	***European Communities –*** *Measures related to FMD*

SWITZERLAND

CONCERNS RELATED TO MEASURES MAINTAINED BY SWITZERLAND

Food Safety

150. Switzerland - Notifications regarding import requirements on meat and eggs

Raised by:	United States
Supported by:	Australia, Brazil, Canada, Chile, Hungary, India, Israel, New Zealand
Dates raised:	September 1998 (G/SPS/R/12, paras. 39-41), November 1998 (G/SPS/R/13, paras. 29-30), July 2001 (G/SPS/R/22, para. 127)
Relevant document(s):	G/SPS/N/CHE/14 and Corr.1, G/SPS/N/CHE/15, G/SPS/N/CHE/16, G/SPS/GEN/265
Solution:	Not reported

449. In September 1998, the United States expressed concern that Swiss regulations on meat from animals treated with hormones, antibiotics and similar products imported under the Swiss tariff rate quota (TRQ) were not based on science or risk assessment. The fact that different requirements were applied to meat imported outside the tariff rate quota called into question the validity of the alleged

public health objective behind the regulation. The United States indicated it was preparing formal comments and encouraged other Members to carefully consider the implications of the notified measure. Canada noted that the purpose of the measure was consumer information, yet the measure did not make it clear if labelling was carried through to the retail level. Switzerland noted that thirty days were left of the comment period, and that all comments made would be taken into account when drafting the final proposal.

450. In November 1998, the United States reiterated its concerns regarding restrictions on meat imports under the Swiss TRQ, and added that the measure notified as G/SPS/N/CHE/15 would prohibit imports of eggs and egg products from birds raised in battery cages under the TRQ. Such imports would be permitted outside the TRQ, subject to prohibitively high duties, strict labelling and additional certification requirements. The proposed regulations did not indicate what public health objective was involved. The United States was concerned that the measures did not appear to be based on a risk assessment. Discrimination between products imported under the TRQ and outside the TRQ was unjustified. Switzerland explained that the measures related to the implementation of the new Swiss Federal Law on Agriculture of 29 April 1998. Swiss authorities were still discussing the implementation of the Law, and questions and comments would be taken into account.

451. In July 2001, the United States indicated that it considered the issue unresolved (G/SPS/GEN/265). Switzerland had notified amended measures under the TBT Agreement, on which the United States had formally commented.

Plant Health

151. Switzerland - Notification on wheat, rye and triticale

Raised by:	Argentina
Supported by:	
Dates raised:	July 1997 (G/SPS/R/8, para. 32)
Relevant document(s):	G/SPS/N/CHE/5
Solution:	Not reported

452. Argentina expressed concern with regard to rising trade barriers on wheat grain for industrial and planting purposes. Argentina was free from *tilletia indica* (Karnal bunt). Argentina requested a full draft of the proposed Swiss measure notified as G/SPS/N/CHE/5, including access to the risk analysis and other scientific documents which substantiated the proposal. Switzerland assured Argentina that the scientific basis for the notified measure would be provided as soon as possible.

CONCERNS RAISED BY SWITZERLAND

Item Number	**Country Maintaining the Measure**
Food Safety	
Item 8	***Australia and New Zealand—*** *Import restrictions on cheese*
Item 129	***Malaysia and Singapore —*** *Notifications related to dioxin*

Item Number	Country Maintaining the Measure
Animal Health and Zoonoses	
TSE Concerns	
Item 4	***Argentina, Australia, Austria, Belgium, Brazil, Canada, Chile, Czech Republic, France, Germany, Italy, Netherlands, Poland, Romania Singapore, Slovak Republic, Slovenia, Spain, United States and others****— Measures related to BSE*
Item 143	***Poland—*** *Notifications on veterinary measures and measures on animal products including gelatin*
Item 161	***United States****—Import restrictions on meat and meat products*

SEPARATE CUSTOMS TERRITORY OF TAIWAN, PENGHU, KINMEN AND MATSU (CHINESE TAIPEI)

CONCERNS RELATED TO MEASURES MAINTAINED BY CHINESE TAIPEI

Animal Health and Zoonoses

Other Animal Health Concerns

152. Chinese Taipei – Requirements for heat treatment for meat and bone meal in poultry

Raised by:	United States
Supported by:	
Dates raised:	October 2003 (G/SPS/R/31, paras. 17-18)
Relevant document(s):	
Solution:	Not reported

453. The United States indicated that the heat treatment requirements of Chinese Taipei for dried pet food produced in areas affected by Exotic Newcastle Disease exceeded the relevant OIE guidelines and were not supported by scientific evidence. Chinese Taipei required that poultry ingredients containing bone meal or poultry meat from affected areas be processed so that the interior of the bone was heated to 60 degrees Celsius for 30 minutes, in contrast with OIE guidelines. Chinese Taipei's heat treatment requirements also applied to poultry originating in disease-free areas.

454. Chinese Taipei stated that the regulation for pet food was under review and amendments had been proposed.

Plant Health

153. Chinese Taipei - Policies regarding quarantine and non-quarantine pests

Raised by:	United States
Supported by:	
Dates raised:	June 2002 (G/SPS/R/27, paras 33-34)
Relevant document(s):	Raised orally
Solution:	Not reported

455. The United States expressed concern that Chinese Taipei's Plant Production and Quarantine Act did not distinguish between quarantine and non-quarantine pests which was detrimental to US exports. Chinese Taipei had agreed to amend this act, however this was expected to take some time. In response, Chinese Taipei indicated that problems arose due to inconsistency between the Chinese and English version of the Act. His authorities had agreed to amend the Act to bring it into conformity with the standards of the IPPC.

154. Chinese Taipei – Import restrictions on potatoes

Raised by:	New Zealand
Supported by:	
Dates raised:	October 2003 (G/SPS/R/31, paras. 15-16)
Relevant document(s):	Raised orally
Solution:	Not reported

456. New Zealand reported that it had been experiencing delays with its request for market access for potato exports to Chinese Taipei despite fulfilling all the requirements. New Zealand had also responded to requests by Chinese Taipei for additional information which concerned pests not found in New Zealand and pests not found on the potato commodity exported, but only on the potato plant. In considering New Zealand's request, Chinese Taipei had agreed to use ISPM 10 which provided guidance on the Requirements for the Establishment of Pest Free Places of Production and Pest Free Production Sites.

457. Chinese Taipei recalled that New Zealand had first requested access on 20 September 1995, although New Zealand did not provide an assurance that its potatoes were free from nematodes until April 2001. In February 2002, New Zealand withdrew its initial request but asked that its proposal be considered under ISPM 10. In July 2002, a new pest risk assessment was completed. After a visit by officials from Chinese Taipei, New Zealand was asked to provide an updated pest list which was received in April 2003. Further information on the status of pests had been requested in September but not yet received. This was needed before an import quarantine regulation could be prepared.

TANZANIA

CONCERNS RAISED BY TANZANIA

Item Number	Country Maintaining the Measure
Food Safety	
Item 64	***European Communities—****Trade restrictions in response to cholera*

THAILAND

CONCERNS RAISED BY THAILAND

Item Number	Country Maintaining the Measure
Food Safety	
Item 47	***Czech Republic—****Prohibition of poultry meat imports from Thailand*
Item 50	***Egypt—****Restrictions on canned tuna*

Item Number	Country Maintaining the Measure
Item 58	***European Communities—****Import restrictions on soy sauce*
Item 63	***European Communities—****Maximum levels for certain contaminants(aflatoxins) in foodstuffs*
Item 123	***Korea—****Import ban on frozen poultry*
Animal Health and Zoonoses	
Other Animal Health Concerns	
Item 10	***Australia—****Import Restrictions on prawn and prawn products*
Item 11	***Australia—****Quarantine requirements for chicken meat*
Plant Health Concerns	
Item 15	***Australia—****Import restrictions on durian*
Item 132	***Mexico****—Import prohibition of milled rice*

TRINIDAD AND TOBAGO

CONCERNS RELATED TO MEASURES MAINTAINED BY TRINIDAD AND TOBAGO

Animal Health and Zoonoses

Concerns related to FMD

155. Trinidad and Tobago - Restrictions on imports of pork sausages and other pork products, fresh, cured or salted

Raised by:	Argentina
Supported by:	
Dates raised:	November 2002 (G/SPS/R/28, paras. 32-34), April 2003 (G/SPS/R/29 paras. 65-66), June 2003 (G/SPS/R/30, paras. 45-46), October 2003 (G/SPS/R/31, paras. 31-32)
Relevant document(s):	Raised orally
Solution:	Not reported

458. Argentina reported that the health authorities from Trinidad and Tobago had provided two responses regarding import requirements for Argentine pork products, fresh cured or salted. The first response indicated that imports of Argentine pork products were currently banned because of the FMD outbreak that had occurred in 2001, and that imports would not be able to resume until the health status of Argentina changed to that of a country free of FMD without vaccination. The second response stated that imports of pork products were allowed only from those countries that had FMD free status without vaccination for at least three years before the date of export These requirements were stricter than the OIE Animal Health Code, lacked a scientific basis and were not proportionate to the objectives pursued. Argentina a lifting of the ban and copies of the scientific evidence that justified the measure..

459. Trinidad and Tobago indicated that the issue of importation of Argentine pork products had been the subject of ongoing bilateral consultations. As a member of the Caribbean Community (CARICOM), Trinidad and Tobago adhered to a regional policy for the importation of meat and meat products according to which, in the event that an exporting country had experienced an FMD

outbreak, imports would only be allowed after disease-free status had been achieved without vaccination. The regional decision reflected consensus among member States. These requirements were transparent and applied in an equitable manner to all countries that had experienced FMD outbreaks. Trinidad and Tobago reaffirmed the country's willingness to continue the bilateral process.

460. In April 2003, Argentina reported that despite the willingness of Trinidad and Tobago to engage in bilateral consultations, no progress had yet been achieved at the technical level. Trinidad and Tobago explained that the OIE Code stated that affected products should not be accepted from vaccinated animals. Re-opening of markets was based on consensus among CARICOM members. Accordingly, Argentina had been advised that the matter should be pursued through the CARICOM Secretariat, which Argentinal had done. CARICOM was committed to finding a mutually agreeable solution and had convened a meeting of the region's chief veterinary officers to discuss the matter on 7-8 April 2003. It was expected that the matter would be fully resolved at the time.

461. In June 2003, Argentina indicated that its authorities had provided Trinidad and Tobago the information agreed upon after the last Committee meeting. CARICOM was committed to sending a technical mission to Argentina with the aim of accepting Argentine exports. Trinidad and Tobago confirmed that a risk assessment mission was expected to take place within the next two months.

462. In October 2003, Argentina reported that since the last meeting, its authorities had provided information to Trinidad and Tobago on the foot-and-mouth disease status of Argentina. However, a visit by three veterinarians from the CARICOM to dairy factories and sausage production plants had been cancelled due to a new outbreak of FMD. The representative of Trinidad and Tobago clarified that Argentina had postponed the trip, scheduled for 8-12 September, due to the appearance of an isolated case of FMD. CARICOM had yet to be advised by Argentina of new dates for the visit. Trinidad and Tobago stated that its restriction would not be removed until the risk assessment was completed.

TURKEY

CONCERNS RELATED TO MEASURES MAINTAINED BY TURKEY

Animal Health and Zoonoses

Concerns related to TSEs

156. Turkey - Ban on pet food imports

Raised by:	Hungary
Supported by:	
Dates raised:	March 2000 (G/SPS/R/26, para. 6), June 2002 (G/SPS/R/27, paras. 129-130)
Relevant document(s):	G/SPS/GEN/316, WT/DS256/1
Solution:	Not reported

463. The representative of Hungary stated that in March 2001, Turkey had banned the importation of pet food from all European countries as a result of the BSE epidemic. Although Hungary was a BSE-free country, it was included in the ban's coverage due to the Turkish authorities' concern about cross-infection. After the Turkish authorities had provided an explanation in June 2001, Hungarian companies stopped using raw materials derived from ruminants in pet food mix, but the ban on Hungarian exports remained in place. Hungary asked where the Turkish regulation was published and when it had been notified to the WTO. Hungary also as requested an explanation of the underlying scientific justification for the ban and asked whether Turkish suppliers were treated identically to foreign suppliers. The United States and European Communities associated themselves with the

comments made by Hungary and requested to be informed of further developments. Turkey explained that the problem may have arisen as a result of some missing laboratory analysis, as no import ban was in place. Once that information had been provided, the importation procedures would be complete.

464. In June 2002, Hungary indicated that Turkey had not provided an official response to the questions submitted to it. Hungary had requested consultations under the DSU on 5 May 2002. Although some progress had been made at the consultations, the problem was still pending. Hungary hoped to find an amicable solution by the 5 July 2002 DSU deadline. Turkey indicated that since the issue was now a formal dispute, confidentiality requirements had to be respected. Turkey would inform the Committee of further developments at a later stage.

Concerns related to FMD

157. Turkey – Import ban on livestock

Raised by:	United States, Hungary
Supported by:	Australia, European Communities, New Zealand, Uruguay
Dates raised:	June 1998 (G/SPS/R/11, para. 33), September 1998 (G/SPS/R/12, paras. 7-10), June 2000 (G/SPS/R/19, paras. 12-14), July 2001 (G/SPS/R/22, para. 127), October 2001 (G/SPS/R/25, para. 33), April 2003 (G/SPS/R/29, paras. 205-206), June 2003 (G/SPS/R/30, para. 67)
Relevant document(s):	G/SPS/GEN265
Solution:	The United States reported in July 2001 that its concerns were resolved. Hungary's concerns are outstanding.

465. In June 1998, the United States sought clarification from Turkey whether its FMD-related import ban on cattle and meat products had ever been officially published or notified to the WTO. The United States requested an explanation of the measure's scientific basis, especially in view of the FMD-free status of the United States. In September 1998, the United States noted that Turkey had extended its import ban for the eighth time. Turkey replied that the policy was geared at preventing the spread of FMD in the country. A rigorous nation-wide eradication programme was in place, and considerable progress had been made. Turkey believed that the application of temporary measures with the objective of creating the necessary animal health conditions within its borders was justified, but was open to dialogue with its trading partners to reach a mutually agreeable solution.

466. In June 2000, Hungary recalled that several Members had challenged the WTO-consistency of Turkey's import restrictions on live cattle and beef meat. Hungary had been free from FMD for nearly 20 years, and had pursued FMD control policies which made vaccination redundant. Hungary suggested the Turkish ban violated Article 2.2 of the SPS Agreement. Based on Articles 5.1 and 5.8, Hungary asked Turkey to provide its risk assessment on the importation of live cattle and beef from FMD-free countries. New Zealand asked if Turkey had an import licensing system, and if so, how risk was assessed and how licenses were issued. Turkey committed to providing a report on an interdepartmental review of the sanitary measures.

467. In July 2001, the United States indicated that Turkey had assured the United States in September 1999 that the import ban was no longer in force (G/SPS/GEN/265). The United States considered this trade concern resolved. In October 2001, Hungary reported that its concerns were still outstanding.

468. In April 2003, Hungary again raised concerns over the on-going restrictions on imports of live cattle and beef maintained by Turkey. According to the OIE, Hungary had been free from FMD for nearly 20 years. Hungarian live cattle and beef was also free from BSE. Hungary had questioned this

measure several times bilaterally and in the SPS Committee but had not received any explanation or risk assessment studies from Turkey. Turkey explained that many countries had imposed import restrictions or bans on live animals and animal products originating from some European countries due to BSE and FMD to protect their public health and livestock. Turkey had simply taken the same measures based on available information and to satisfy the widespread public concern over BSE.

469. In June 2003, Turkey stated that cattle and beef imports from some EC member States and from Hungary had been temporarily suspended as cattle from these countries had not been vaccinated or achieved immunity against FMD and rinderpest which was present in Turkey at that time. The ban had been lifted in 1999, however, due to BSE concerns, the import of livestock had been partly banned again.

Plant Health

158. Turkey - Restrictions on banana imports

Raised by:	Ecuador
Supported by:	
Dates raised:	March 2001 (G/SPS/R/21, paras. 97-98), July 2001 (G/SPS/R/22, paras. 36-38)
Relevant document(s):	G/SPS/GEN/249, G/SPS/GEN/275, G/SPS/GEN/276
Solution:	Formal consultations requested by Ecuador on 10 September 2001 (DS237).

470. In March 2001, Ecuador indicated that Turkish authorities were issuing phytosanitary certificates for a specific and limited volume of bananas only. Ecuador believed that the control certificates were not only *de facto* quantitative restrictions, but also imposed unnecessary and unjustified administrative burdens. Ecuador asked Turkey for a written response to a number of questions submitted, and planned to pursue the matter bilaterally. Turkey replied that due to resource constraints, Turkey could not verify whole shipments at once. Turkey had published all relevant regulations, as well as testing and sampling methods. These were the same for both domestic producers and importers and in conformity with international standards.

471. In July 2001, Ecuador indicated that the replies received in response to its questions regarding the "Kontrol Belgesi" certificates did not seem to correspond to the information provided by exporters and importers. Obtaining the certificates had taken up to three times as long as claimed by Turkey, there were inconsistencies regarding the duration and validity of the certificates. In the case of bananas, the expiration dates regularly coincided with the beginning of Turkey's banana harvest. In addition, the certificates were granted for a maximum of one thousand tons, and thus acted as quantitative restrictions. Turkey claimed that one could obtain several certificates, but exporters indicated that one had to use one certificate before a new one was granted. Turkey replied that the certificate was a reference document used in customs proceedings and food safety analysis during the importation process. The system was described in the Official Gazette, and was not used to limit quantities. Issuance of the certificates took between three and seven working days if the information was complete, and the validation period was between four and twelve months. Turkey was ready to discuss the issue bilaterally. Chile and Colombia requested to be informed of future developments of the issue. The European Communities requested to see Turkey's responses to Ecuador's questions.

UNITED STATES

CONCERNS RELATED TO MEASURES MAINTAINED BY THE UNITED STATES

Food Safety

159. United States – Restrictions on melons

Raised by:	Mexico
Supported by:	
Dates raised:	November 2002 (G/SPS/R/28, paras. 180-181)
Relevant document(s):	G/SPS/GEN/366
Solution:	Not reported

472. Mexico indicated that on 28 October 2002, the US Food and Drug Administration (FDA) imposed an emergency import ban on cantaloupe melons imported from Mexico. Mexico considered this measure as being disproportionate and not based on scientific evidence of any health risk (G/SPS/GEN/366). Mexico requested the United States to suspend the import ban on cantaloupe melons and to comply with its obligations under the SPS Agreement.

473. The United States noted that FDA sampling of imported produce found that samples of cantaloupe melons from most growing regions in Mexico tested positive for salmonella. The samples had been collected both in the fall/winter and spring/summer seasons, and it appeared that unsanitary conditions in the growing and packing of cantaloupe melons had resulted in four salmonella outbreaks. The import alert recommended officials to detain cantaloupe melons from Mexico at all US ports without physical examination. The October import alert expanded prior import alerts that had targeted specific imports and growers whose products had been linked to outbreaks or had tested positive for salmonella. On 28 October 2002, the United States had announced that they would continue to work with Mexico on a food safety programme for production, packing and shipping of fresh cantaloupe melons. The Mexican Government had proposed a certification programme based on good agricultural practices and good manufacturing practices that would allow the FDA to identify firms that had adopted and implemented such a programme. This certification programme was still under development and the United States looked forward to its early implementation.

160. United States - Notification G/SPS/N/USA/133 on refrigeration and labelling requirements for shell eggs

Raised by:	European Communities
Supported by:	
Dates raised:	November 1998 (G/SPS/R/13, paras. 37-38)
Relevant document(s):	G/SPS/N/USA/133
Solution:	Not reported

474. The European Communities queried whether the US measure was based on a risk assessment, and if this risk assessment was available. The European Communities sought written clarification from the United States regarding the non-application of the measure to units with 3000 hens or less, and asked the United States to explain the discrimination between foreign and domestic eggs. The European Communities also enquired whether the United States would accept equivalent measures. The United States responded that the risk assessment was available on the internet, but that a copy would be provided to the European Communities. The United States welcomed the EC request for consideration of equivalence, and indicated that answers to the more technical questions would be provided in due course.

Animal Health and Zoonoses

Concerns related to TSEs

161. United States – Import restrictions on meat and meat products

Raised by:	Switzerland
Supported by:	
Dates raised:	June 2002 (G/SPS/R/27, paras. 10-12)
Relevant document(s):	G/SPS/GEN/321
Solution:	Not reported

475. Switzerland reported that following the outbreak of BSE in Switzerland, the United States had banned imports of meat and meat products from Switzerland (G/SPS/GEN/321). The ban applied also to meat products processed in Switzerland with meat imported from countries free of BSE, such as Argentina or Brazil. Switzerland had a low incidence of BSE in terms of the OIE International Animal Health Code and the US measure did not follow the international standards. Moreover, the US double inspection procedure was in violation of the SPS Agreement. Bilateral consultations had clarified some of the questions raised by Switzerland, and would hopefully soon lead to a resumption of trade in meat and meat products. The European Communities requested to be informed of the outcome of the discussions between Switzerland and the United States.

476. The United States noted that there was a further complication pertaining to the FMD status of certain countries providing meat to Switzerland for processing and subsequent export to the United States.

162. United States – Measures related to BSE

Raised by:	European Communities
Supported by:	Argentina, Chile, New Zealand, Switzerland
Dates raised:	March 1998 (G/SPS/R/10, paras. 10-12), June 1998
Relevant document(s):	G/SPS/GEN/66, G/SPS/N/USA/106
Solution:	Not reported

477. In March 1998, the European Communities complained that recent US measures were neither in conformity with the SPS Agreement nor with the OIE, and were singling out Europe. The European Communities rejected US claims that inadequate surveillance in relation to BSE was a problem within the European Communities and indicated that the European Communities was about to introduce a harmonized surveillance system. The United States replied that it was receiving numerous comments to its interim measure, which was intended to protect animal and consumer health from BSE in light of the unclear information on the distribution of BSE on the European continent. Trade would resume when the countries in question had systems that met US criteria. The United States would evaluate the data submitted, and would take the necessary measures based on science and risk assessment. Argentina noted that BSE was a European problem with important potential consequences for the rest of the world, and that it required a joint effort of political and scientific authorities to find a solution based on the available knowledge to avoid unnecessary trade disruption.

478. In June 1998, the European Communities drew attention to the recent OIE indication that when a country had no native cases of BSE and surveillance systems were in place for seven years, trade in meat could take place. The OIE also provided the basis on which trade could take place with countries of low incidence of BSE. The criteria on which US decisions would be based were still not clear to the European Communities. The United States announced that comments and information

received were being incorporated into the risk assessment, taking into account the discussions in the OIE framework. The updated rule would soon be published and notified, and responses would be provided to all comments received.

Other Animal Health Concerns

163. United States – Restrictions on pigmeat

Raised by:	European Communities
Supported by:	
Dates raised:	March 2002 (G/SPS/R/26, para. 11), October 2003 (G/SPS/R/31, paras.33-34)
Relevant document(s):	G/SPS/N/USA/214/Add.1
Solution:	Not reported

479. The European Communities drew the Committee's attention to notification G/SPS/N/USA/214/Add.1, which recognized Portugal as free of African swine fever. The phrasing of the US notification gave the erroneous impression that Portugal was "in a region infected with classical swine fever", whereas Portugal was recognized as free of classical swine fever by the OIE. Several EC member States remained on the US list of countries infected with classical swine fever solely because of delays in the US legislative procedure for reclassification, possibly for political reasons. The European Communities was hopeful that the publication of a final classical swine fever rule would follow shortly. The European Communities had signed a bilateral veterinary agreement with the United States in 1999 on the understanding that a final rule was imminent.

480. The United States noted that an outbreak of African swine fever was reported in Portugal in 1999 and that on 7 January 2000, the United States had notified measures taken in this regard. In spite of the change in African swine fever status, the export of pork products to the United States could not commence due to the presence of other animal diseases. The United States stated that they had legitimate scientific concerns related to classical swine fever in the European Communities following recent outbreaks in Germany, Spain and Luxembourg.

481. In October 2003, the European Communities stated that it had provided the necessary information and renewed its request to the United States to adhere to commitments made in the 1998 bilateral agreement between the United States and the European Communities on issues relating to animal health.

482. The United States explained that it had been working closely with the European Communities and interested EC member States on this regionalization request. The United States had published a final rule in April 2003 which recognised that certain areas of the European Communities were disease free. On 16 October 2003, APHIS ruled that East Anglia, in the United Kingdom, was disease free and was continuing its evaluation of the status of other EC member States. Outbreaks of both classical swine fever and FMD in France, Spain and Luxembourg had complicated and delayed the response to the regionalization request.

164. United States - Regionalization in relation to animal health

Raised by:	European Communities
Supported by:	
Dates raised:	May 1996 (G/SPS/R/5, para. 15)
Relevant document(s):	G/SPS/N/USA/37
Solution:	Not reported

483. The European Communities welcomed a US notification on the introduction of regionalization in import policy and internal control policy in relation to animal health, but was concerned that the proposed measure did not meet the criteria of a true regionalization approach in conformity with what had been discussed at the OIE. The United States stressed the purpose of the proposed measure was to facilitate trade and to fulfil the obligation of the United States under the SPS Agreement, in particular Article 5.2 on risk assessment.

Plant Health

165. United States – Restrictions on imports of Chinese potted plants in growing medium

Raised by:	China
Supported by:	European Communities
Dates raised:	November 2002 (G/SPS/R/28, paras. 43-45)
Relevant document(s):	Raised orally
Solution:	Not reported

484. China indicated that US prohibitions on the importation of Chinese penjing in growing medium continued almost six years after the risk analysis had been finished and the protocol had been signed. The United States had relied on the excuse of domestic legal procedures and the need to coordinate work between the relevant government agencies to delay solving the problem. China requested the United States to notify its work procedures concerning the removal of measures prohibiting imports of plants and plant products in compliance with the transparency provisions of the SPS Agreement. China failed to understand why the United States had proposed to solve only the problem of the importation of one of the types of penjing plants in growing medium, instead of considering the five types for which the risk analysis had been completed. The European Communities supported the concerns raised by China and noted that they had run into the same difficulties with other varieties of potted plants. The European Communities urged the United States to find a rapid solution to the problem.

485. The United States noted that the issue of penjing in growing medium had been the subject of extensive discussions with China. The United States had been working actively to evaluate China's proposed importation, but the importation of plants in growing medium was more complicated from a risk mitigation perspective than importation of bare root plants. While examination of bare root plants could detect certain pests or disease problems, inspection of potted plants necessarily involved the removal of the plant from the pot and the growing medium, and could damage the plant and reduce its commercial value. Although the assessment of the risk to plant health posed by the importation of the five species of penjing was essentially concluded, other risks needed to be evaluated before determination if the importation presented an acceptable risk. US regulatory requirements for imported plants and growing medium reflected the need to prevent the introduction of pests and disease that could seriously undermine or compromise native ecosystems, as well as cultivated plants, and this work was ongoing. The 1997 protocol between the United States and China reflected agreement on the technical issues relating to production, inspection, and quarantine requirements for Chinese penjing that were necessary but not sufficient conditions for imports to occur. The protocol could not take effect until the risk assessments had been completed, and the

necessary regulatory and notification processes had run their course. The United States acknowledged the importance that China attached to this issue, and indicated their commitment to reaching a mutually satisfactory resolution as soon as possible.

166. United States - Import restrictions on potted plants from the European Communities

Raised by:	European Communities
Supported by:	
Dates raised:	July 2001 (G/SPS/R/22, paras. 30-31)
Relevant document(s):	Raised orally
Solution:	Not reported

486. The European Communities indicated that exports of plants in growing medium had been impeded for over 20 years because the United States conducted a pest risk assessment for each type of plant before allowing imports, and each assessment took several years to complete. In addition, the requirements for accepted species were very rigid and not proportional to the potential risk. The European Communities requested the United States to adjust its import requirements and administrative procedures to allow for market access. The United States replied that its requirements reflected the need to avoid introduction of pests and diseases that could seriously undermine native ecosystems as well as cultivated plants. The roots of potted plants, even in an approved medium, could not be examined for signs of disease, and other mitigation measures were necessary. The United States was preparing a technical proposal for review by the Commission and EC member States, and had proposed the formation of a joint technical working group to address the issue. USDA was willing to review any systems certification proposal submitted by the Commission or its member States, with the understanding that any modifications to existing US regulations would have to be scientifically justified and be subject to the US rulemaking process.

167. United States – Imports of citrus fruit

Raised by:	Argentina
Supported by:	
Dates raised:	November 1999 (G/SPS/R/17, para. 89), June 2000 (G/SPS/R/19, para. 10), July 2001 (G/SPS/R/25, paras. 94-96
Relevant document(s):	Raised orally
Solution:	Favourable conclusion reported in June 2000. New concerns raised in October 2001.

487. In November 1999, Argentina expressed concerns regarding the postponement of US measures dealing with imports of citrus fruit from north-western Argentina. Negotiation of the measure had taken seven years and been finalized one year earlier. Argentina appealed to the United States to publish the measure before another harvest was lost for Argentine producers. The representative of the United States answered that the draft measures had passed the technical level and promised to draw the attention of his authorities to Argentina's concerns.

488. In June 2000, Argentina reported that after years of negotiations with the United States regarding citrus produced in north-west Argentina, a favourable conclusion had been reached.

489. In July 2001, Argentina expressed concerns related to a California court decision to overturn a USDA/APHIS risk assessment which had allowed the import of lemons, oranges and grapefruits from north western Argentina starting June 2000. In Argentina's opinion, the judge's reasoning went beyond the terms of the SPS Agreement. As imports from other destination were not subject to zero risk, Argentina felt this amounted to discrimination. In addition the judge had ruled that APHIS had not measured the economic impact of imports on producers in the United States, an economic test

inadmissible under the SPS Agreement. Argentina requested US authorities to ensure compliance with the SPS Agreement by bodies other than the central government, according to Article 13. The United States confirmed that no problems had been reported during the two seasons that Argentina had had access to the US market for citrus. US regulations were subject to judicial review and had been challenged through a District Court in California. Although the Federal Government had disputed the case, the Court had ruled in favour of the complainant in September 2001. The United States indicated that the executive branch agencies were consulting about how to proceed and would take Argentina's comments into account.

168. United States – Imports of clementines

Raised by:	European Communities
Supported by:	
Dates raised:	March 2002 (G/SPS/R/26, paras. 7-10), June 2002 (G/SPS/R/27, paras. 58-59)
Relevant document(s):	Raised orally
Solution:	Not reported

490. The European Communities reported that on 30 November 2001, USDA APHIS announced an immediate temporary ban on citrus fruit imports from Spain following two reported interceptions of live Mediterranean fruit fly larvae. The finds were made in cold-treated clementines from Spain stored in close proximity to, and possibly even mixed with, fruits from other sources. Imports of Spanish citrus into the United States had taken place in accordance with a protocol agreed in 1987 comprising pre-shipment inspection, cold treatment, checks at the point of entry and measures that should be taken in the event of pest findings. The European Communities considered the US measure disproportionate to the extent and nature of the findings given the impact on trade, and discriminatory since other foreign suppliers, also using cold treatment, could still export clementines to the United States. The European Communities was also dismayed by the US decision to study revisions to the cold treatment procedure and issue a final rule accordingly – a procedure which would take a considerable period of time.

491. In June 2002 the European Communities reported that Spain and the United States continued bilateral efforts to find a resolution to this problem. The European Communities expressed concern as to whether exports would be allowed to resume by the following season on the basis of a new import protocol, given that the slow procedures being followed by the United States might not be concluded in time for the new season. The European Communities indicated that if this were to occur they might invoke the dispute resolution procedures. The United States expressed appreciation for the cooperation of the Spanish authorities in the matter and noted that the comment period had been extended in order to permit all relevant parties the opportunity to comment on the US risk assessment.

169. United States – Import restrictions on rhododendrons in growing medium

Raised by:	European Communities
Supported by:	
Dates raised:	July 1999 (G/SPS/R/15, para. 66), November 1999 (G/SPS/R/17, para. 83), March 2000 (G/SPS/R/18, para. 68)
Relevant document(s):	G/SPS/N/USA/121
Solution:	Final rule published in December 1999, importation allowed under certain conditions.

492. In March 1999, the European Communities indicated that delays in the publication of a final rule on the importation of rhododendrons were resulting in de facto restrictions on EC exports. The representative of the European Communities asked for information on the status of the pest risk

analysis and of the final rule. The United States replied that the final rule for the importation of rhododendrons in growing medium from the EC had been completed pending final review, and would be published within one month after the meeting. The European Communities requested an update on the status of the rule in November 1999, and the United States answered that it would be published in the near future. In March 2000, the United States informed the Committee that the final rule had been published on 30 December 1999, allowing the importation of rhododendrons under conditions designed to prevent the introduction of pests.

170. United States – Interim rule affecting solid wood packaging material

Raised by:	none; Hong Kong, China is affected
Supported by:	European Communities
Dates raised:	November 1998 (G/SPS/R/13, paras. 3-12), March 1999 (G/SPS/R/14, paras. 2-3), October 2001 (G/SPS/R/25, para. 35)
Relevant document(s):	G/SPS/GEN/107, G/SPS/N/USA/137, G/SPS/N/CAN/44
Solution:	Not reported

493. In November 1998, the United States provided information on an amendment of the regulations applicable to unmanufactured wood, adding treatment and documentation requirements for imports from China, including Hong Kong, China. Hong Kong, China found the rule arbitrary and discriminatory. Although Hong Kong, China recognized that fumigation with methyl bromide was effective, it was concerned that the use of this substance had undesirable side-effects on human health and the environment. Bilateral consultations with the United States had taken place. The United States encouraged Members to comment on its draft measure. Canada indicated that it had also imposed a measure on unmanufactured wood imports from China to avoid introduction of the Asian Longhorned Beetle. A technical expert would be sent to Hong Kong, China to study ways to implement this measure with a minimal disruption of international trade. In March 1999, the United States announced that an advance notice of proposed rule making had been published on 20 January 1999, and that comments were welcome until 22 March 1999. The European Communities indicated that it had been monitoring similar problems, and would provide more information at a later date. In October 2001, Hong Kong, China reported that no new developments had occurred.

171. United States - Actions taken by local governments

Raised by:	Chile
Supported by:	
Dates raised:	October 1997 (G/SPS/R/9/Rev. 1, para. 47)
Relevant document(s):	Raised orally
Solution:	Not reported

494. Chile noted that legal actions taken by local governments could disrupt trade flows. For example, Californian judges had requested the US Department of Agriculture (USDA) to undertake an environmental analysis before allowing imports. In another instance, after Chilean phytosanitary authorities had taken a decision regarding the entry of weeds, they were threatened to be subject to legal proceedings initiated by the exporting country, unless the exporting country was declared a "low-risk" or a "zero-risk" country. Another related issue concerned the need for the streamlining or reform of national regulatory frameworks. As many as five signatures were sometimes required to clear the entry of goods into a territory.

172. United States – Notification G/SPS/N/USA/705 on implementation of the international standard for phytosanitary measures on wood packaging (ISPM 15)

Raised by:	Argentina
Supported by:	Chile
Dates raised:	October 2003 (G/SPS/R/31, paras. 50-51)
Relevant document(s):	G/SPS/N/USA/705
Solution:	Not reported

495. Argentina agreed that wood packaging could spread pests, however, the US measures could have a negative impact on Argentina's exports. The US notification did not provide sufficient time for implementing the measures needed for compliance. For instance, Argentina needed sufficient resources and time to establish the required treatment centres for wood packaging materials. Chile supported the statement made by Argentina.

496. The United States stated that it had received 54 comments from seven other Members on its proposed measure and that APHIS was in the process of evaluating these comments to determine how to take them into account. The January implementation date would be postponed and the measure would be phased in over time. The United States encouraged other Members to adopt ISPM 15 as a means of controlling the spread of raw wood pests.

CONCERNS RAISED BY THE UNITED STATES

Item Number	Country Maintaining the Measure
Food Safety	
Item 31	***Chile, Czech Republic, El Salvador, Honduras, Slovak Republic****—Zero tolerance for salmonella in imported poultry products*
Item 36	***China—****Zero tolerance for e-coli*
Item 35	***China –*** *Food Safety Regulations affecting agricultural products produced from modern biotechnology*
Item 54	***European Communities —*** *Regulations on genetically modified food and feed*
Item 55	***European Communities —*** *Notifications G/SPS//N/EEC/150 on traceability and labelling of genetically modified organisms and food and feed*
Item 60	***European Communities —*** *Measures on food treated with ionizing radiation*
Item 62	***European Communities —*** *Measure on establishments operating in the animal feed sector*
Item 67	***European Communities (Spain) —****Restriction on levels of coppers and cadmium in imported squid*
Item 68	***European Communities –*** *Restrictions on honey imports*
Item 71	***European Communities*** *– Notification G/SPS/N/EEC/191 and Add.1 on food and feed control*
Item 102	***Indonesia—****Ban on hormones in animal production*
Item 124	***Korea —*** *Shelf-life requirements*
Item 125	***Korea –*** *Maximum residue level (MRL) testing*
Item 150	***Switzeraland —****Notifications regarding import requirements on meat and eggs*

Item Number	Country Maintaining the Measure
Animal Health and Zoonoses	
TSE Concerns	
Item 77	***European Communities****—Rules on "specified risk materials" in products of animal origin*
Item 78	***European Communities****—Gelatin imports*
Item 79	***European Communities (France)—****Certification requirements for pet food*
Item 143	***Poland—****Notification on veterinary measures and measures on animal products including gelatin*
Item 80	***European Communities –*** *Proposal on animal by-product*
Item 81	***European Communities –*** *Transitional measures on BSE*
Item 148	***South Africa—****Prohibition on bone-in beef imports from member states of the EC*
Item 173	***Uruguay****—Risk assessment on BSE*
FMD Concerns	
Item 157	***Turkey—****Import ban on livestock*
Other Animal Health Concerns	
Item 12	***Australia—****Ban on salmon imports*
Item 181	***Certain Members'—****Notifications related to Avian Influenza*
Item 39	***China –*** *Certification requirements for aquatic products*
Item 83	***European Communities—****Ban on antibiotics in feed*
Item 152	***Chinese Taipei –*** *Heat treatment for meat and bone meal in poultry*
Item 176	***Venezuela—****Measures related to Avian Influenza*
Plant Health Concerns	
Item 13	***Australia****—Access of California table grapes*
Item 26	***Brazil****—Restrictions on imported wheat*
Item 34	***Chile—****Restrictions on imports of wheat and fruit*
Item 153	***Chinese Taipei's*** *policies regarding quarantine and non-quarantine pests*
Item 96	***Honduras****—Restrictions on imports of rough rice*
Item 106	***Indonesia****—Fresh fruit and vegetables*
Item 115	***Japan****—Official control restrictions on citrus and other fresh fruits and vegetables*
Item 116	***Japan****—Import measures on fire blight*
Item 117	***Japan—****Testing requirements for different varieties of apples, cherries and nectarines*
Item 118	***Japan****—Plant quarantine regulations*
Item 119	***Japan****—Notification on amendment of the Japanese Plant Protection Law*
Item 120	***Japan –*** *Fumigation requirements*
Item 133	***Mexico –*** *Restrictions on dry beans*
Item 138	***Panama—****Requirements for certification of consumer rice*
Item 182	***Phytosanitary Issues in general***
Item 144	***Poland****—Restrictions on wheat and oilseeds*
Item 147	***Slovak Republic****—Import restrictions on potatoes*
Other Concerns	
Item 6	***Argentina****—Pest risk assessment requirements*
Item 94	***European Communities****—Agricultural biotechnology approval process*
Item 128	***Korea—****Import clearance measures and practices*

URUGUAY

CONCERNS RELATED TO MEASURES MAINTAINED BY URUGUAY

Animal Health and Zoonoses

Concerns related to TSEs

173. Uruguay – Risk assessment on BSE

Raised by:	United States, Canada
Supported by:	
Dates raised:	November 2002 (G/SPS/R/28, paras. 89-92), April 2003 (G/SPS/R/29, para.78, 81)
Relevant document(s):	G/SPS/N/URY/5/Rev.1
Solution:	Not reported

497. The United States observed that Uruguay had notified its adoption of the EC BSE geographical base risk approach for classifying countries. The United States recalled its BSE-free status and the Harvard risk assessment on BSE, and asked that Uruguay take these into account. Canada indicated that it was providing information to Uruguay which would confirm Canada's status as free of BSE. The European Communities noted that the EC risk classification on BSE was never intended to serve as the international norm. Members should continue efforts to develop OIE risk classifications in relation to BSE at the international level. The European Communities hoped an agreement would be reached in the OIE by June-July 2003.

498. Uruguay stated that it was highly dependent on animal product exports. If BSE appeared in Uruguay it would not only affect the health and life of people and animals, but would have an economically devastating effect. Uruguay had adopted the emergency measures due to the growing number of countries with BSE over the last year and the increased risk of introducing the disease into the country. According to OIE data, at the end of 2000 there were 12 countries with local outbreaks, while that figure currently stood at 22. Uruguay had adopted the risk assessment criteria established by the European Communities until such time as the OIE produced a list of countries classified in relation to BSE, and would review its legislation when the OIE finished its work in this area.

499. In April 2003, Canada reported that Argentina and Uruguay had agreed to undertake their own BSE risk assessment instead of relying on the EC BSE risk assessment as the basis for their BSE-related measures and classification of countries. Uruguay stated that it was dependent on meat related products for 8 per cent of its GDP. Since 1996, a number of emergency measures had been taken to ensure that BSE did not enter the country. In 2001, a decree was promulgated which would restrict food products on the basis of their BSE categorization. At the present time, this decree was suspended and bilateral discussions were ongoing. Information from both Canada and the United States was being reviewed and final categorization of both country's BSE status should be concluded within a short period of time.

CONCERNS RAISED BY URUGUAY

Item Number	Country Maintaining the Measure
Animal Health and Zoonoses	
TSE Concerns	
Item 108	***Israel—****Measures affecting imports of bovine meat*
Other Animal Health Concerns	
Item 51	***El Salvador—****Restrictions on meat and dairy products*
Plant Health Concerns	
Item 92	***European Communities****—Protected zones*

VENEZUELA

CONCERNS RELATED TO MEASURES MAINTAINED BY VENEZUELA

Animal Health and Zoonoses

Concerns related to FMD

174. Venezuela – FMD Restrictions

Raised by:	Argentina
Supported by:	
Dates raised:	March 2002 (G/SPS/R/26, para. 20), June 2002 (G/SPS/R/27, paras. 46- 47)
Relevant document(s):	Raised orally
Solution:	Not reported

500. Argentina requested Venezuela to accept imports of animal-based products that had followed the risk mitigation procedures identified in the OIE Animal Health Code. Venezuela stated that Argentina had not been listed as an FMD-free zone in an OIE Bulletin dated 17 March 2002, and that the Pan-American Health Office had reported on a new FMD outbreak in Argentina in a 6 March 2002 report.

501. In June 2002, Argentina noted that despite bilateral contacts, Venezuela had not provided any further information nor its risk assessment to Argentina. Venezuela indicated that it recognized the region of Argentina south of the 42nd parallel as free from FMD without vaccination, and was prepared to import meat from this region. With respect to the other regions of Argentina, Venezuela followed the OIE recommendations, however it was willing to consult with Argentina on the matter.

Other Animal Health Concerns

175. Venezuela - Import conditions for pork meat and products

Raised by:	European Communities
Supported by:	
Dates raised:	July 1999 (G/SPS/R/15, para. 67)
Relevant document(s):	Raised orally
Solution:	Not reported

502. The European Communities reported that Venezuela had denied access to Danish pork meat and products without clearly indicating the import conditions or the relevant provisions. The EC representative urged the Venezuelan authorities to notify the relevant measures, giving other Members a chance to comment.

176. Venezuela – Measures related to Avian Influenza

Raised by:	United States
Supported by:	
Dates raised:	July 1997 (G/SPS/R/8, para. 25), July 2001 (G/SPS/R/22, para. 127)
Relevant document(s):	G/SPS/GEN/19, G/SPS/GEN/265
Solution:	Not reported

503. In July 1997, the United States informed that non-pathogenic Avian Influenza had been detected in a few north-eastern US states. As a consequence, Venezuela had banned the importation of US poultry and products. The United States contested the scientific basis for this measure and was concerned that it had not been notified.

504. In July 2001, the United States indicated that Venezuela had acted in June 2000 to allow market access for US processed poultry (G/SPS/GEN/265). Venezuelan authorities had not responded to requests from the United States to pursue this matter bilaterally. The United States believed that the measures lacked scientific justification and considered this trade concern unresolved.

Plant Health

177. Venezuela - Phytosanitary requirements for potatoes, garlic and onions

Raised by:	Argentina
Supported by:	United States, Canada
Dates raised:	March 2001 (G/SPS/R/21, paras. 26-28), July 2001 (G/SPS/R/22, para. 131), October 2001 (G/SPS/R/25, paras. 99-100), March 2002 (G/SPS/R/26, para. 43), June 2002 (G/SPS/R/27, paras. 54-55), April 2003 (G/SPS/R/29, paras. 53-54), June 2003 (S/SPS/R/30, paras.36-38), October 2003 (G/SPS/R/31, paras. 23-24)
Relevant document(s):	Raised orally
Solution:	Not reported

505. In March 2001, Argentina provided information on Venezuela's import restrictions on Argentine garlic because of *Urocystis cepulae* that had been imposed since 1997. According to the terms of the Andean Pact no quarantine measures had been adopted against Argentina. Regarding potatoes, Argentina had begun efforts to gain access to the Venezuelan market in 1996, and had provided the necessary information for a risk assessment. Argentina expressed concern at the seeming lack of will on the part of Venezuela to make progress on both issues. In addition, Argentina was concerned about a lack of coherence in the application of resolution 431 of the mandatory sanitary and phytosanitary standards of the Andean Community, which it would raise with the Andean Community. Venezuela explained that there was no lack of will to move forward on these issues. Regarding garlic, the administrative process to set up the necessary protocols was ongoing. With respect to potatoes, Venezuela believed that Argentine and Andean Community phytosanitary standards were not compatible. Colombia requested Argentina to submit its concerns to the Andean Community.

506. In July 2001, Argentina informed the Committee that bilateral meetings had been held, and although the problem had not been completely solved, Venezuela had demonstrated a will to find a

solution. In October 2001, Argentina requested a technical reply from Venezuela to the questions raised during a recent bilateral meeting on the sanitary restrictions on potato imports, so as to facilitate the start of trading in this product. Venezuela replied that it was seeking to prevent the introduction of pests that existed in Argentina but were exotic to Venezuela. The sanitary services were evaluating the appropriateness of alternative methods, such as pest free areas, that would meet Argentina's legitimate trade concerns and Venezuela's appropriate level of protection.

507. In March 2002, Argentina informed that bilateral negotiations with the Venezuelan health authorities had taken place, but in the protocols agreed for importation on potatoes, garlic and onion the matter of certification and inspection visits by Venezuelan officials was left outstanding. In view of the seasonal nature of these commodities, Argentina was concerned that if the inspection visits did not take place soon, no exports would be possible before 2003. In response, Venezuela noted that they were awaiting a proposal from Argentina on a convenient date for the inspection visit.

508. In June 2002, Argentina stated that there had been no progress in resolving the problems arising from Venezuela's restrictions on potatoes, garlic and onions. Argentina was waiting for the onsite visit which Venezuela indicated was necessary before trade could resume. Venezuela stated that some revisions to its requirements had been made, and it was now organizing a technical visit to examine the pest surveillance systems in Argentine producing areas, with the hope of finding a solution to the problem.

509. In April 2003, Argentina informed the Committee that Venezuelan technical experts had visited Argentina to verify its claims of freedom from onion smut (*Urocystis cepulae*). Discussions had entered the final phase and the Argentine authorities awaited the publication of the Venezuelan expert report which should allow the resolution of this issue. Venezuela reported that bilateral consultations with Argentina had taken place prior to the Committee meeting and that the expert report should be available soon.

510. In June 2003, Argentina reported that it still had not received the final report and urged Venezuela to inform Argentina about the results of the visit so that trade could be initiated. Venezuela clarified that imports from Argentina were not prohibited but subject to certain requirements. Furthermore, Venezuela had undertaken a risk assessment which provided the necessary justifications. The results of this assessment would be communicated to the Argentine health services as a part of the mutually agreed work plan.

511. In October 2003, Argentina noted that Venezuelan officials had visited Argentina in December 2002 to confirm the absence of onion smut. Argentina had received a report from Venezuela just the previous week and hoped it meant the issue was resolved. The United States and Canada shared Argentina's concerns over delays or denial of import permits without scientific justifications. Venezuela noted that the report had been sent to Argentina in March and an import protocol could now be completed.

Other Concerns

178. Venezuela – Restrictions on imports of potatoes, fresh mushrooms, fresh tomatoes, fertilised eggs, day-old chicks and meat products

Raised by:	Colombia
Supported by:	Chile, United States, Canada
Dates raised:	March 2002 (G/SPS/R/26, paras. 27-29)
Relevant document(s):	Raised orally
Solution:	Not reported

512. Colombia stated that Venezuela was not granting sanitary certificates for potatoes, fresh mushrooms, fresh tomatoes, fertile eggs, day-old chicks and meat products and requested that Venezuela notify the measure which served as the basis for the discretionary granting or non-issuance of health certificates for Colombian exports, or to lift this measure. Chile, the United States and Canada supported the concerns expressed by Colombia.

513. Venezuela provided details of import levels for potatoes, mushrooms and fresh tomatoes in 2001, which showed that import licenses were being granted. Venezuela had temporarily suspended SPS licensing for fertile eggs and day-old chicks as a result of an outbreak of avian flu in Colombia, a disease alien to Venezuela, from January 2002. On 8 February 2002, the prohibition on fertile eggs was removed. Notification of the lifting of restrictions against day-old chicks was made on 7 March 2002. For meat products, Venezuela noted that her country regularly imported beef on the hoof, slaughtered and processed beef and swine products. In reply to the comments of other Members, she stated that it was important not to confuse problems of administrative capacity and management with discretionary licensing.

OTHER CONCERNS

FOOD SAFETY

179. Certain Members – Aromatic polycyclic hydrocarbures in pomace olive oil

Raised by:	European Communities
Supported by:	
Dates raised:	June 2003 (G/SPS/R/30, para. 166)
Relevant document(s):	
Solution:	Not reported

514. The European Communities reported on the final results of the investigation concerning the problems with olive oil contamination in Spain in 2002. The contamination had occurred due to a manufacturing error, but the problem had since been resolved. The restrictions which some Members continued to impose on Spanish olive oil were therefore no longer justified.

ANIMAL HEALTH

Concerns related to FMD

180. Certain Members - FMD-related import restrictions

Raised by:	Argentina, European Communities
Supported by:	Bolivia, Brazil, Uruguay
Dates raised:	July 2001 (G/SPS/R/22, paras. 56-64), October 2001 (G/SPS/R/25, paras. 20-23), June 2002 (G/SPS/R/27, paras. 48-49), November 2002 (G/SPS/R/28, paras. 52-53)
Relevant document(s):	G/SPS/GEN/269
Solution:	New Zealand, Indonesia, Ukraine and Switzerland lifted restrictions against EC member States after they regained FMD-free status. Problems with other Members persisting.

515. In July 2001, the European Communities observed that many Members had imposed restrictions on products that had been treated in accordance with the international standard to destroy the FMD virus, and had kept them in place beyond the recognized waiting period of three months.

The principles of proportionality, justification of measures and regionalization in accordance with the OIE Code and Article 6 had not been followed. Although border controls within the European Communities had been eliminated, they had been replaced by other control instruments.

516. Argentina expressed concern that many products from Argentina were facing scientifically unjustified restrictions that violated Articles 2.1, 3.1 and 5.1 and the OIE Code. Plant products, except straw and forage, should normally not be affected by FMD-related measures.

517. Australia explained that it was asking for reasonable information to allow a scientific judgement in the face of a different clinical presentation in sheep. Recently, additional restrictions on Denmark and Austria and on race horses from the European Communities had been lifted. Australia would re-examine the restrictions as requested information was received. The United States clarified that its FMD measures on EC countries affected only the United Kingdom, Ireland, the Netherlands and France. The United States had lifted restrictions on EC member States that had not had FMD cases in May 2001, and was currently evaluating the situation in France and Ireland. The OIE representative drew the attention of the Committee to G/SPS/GEN/266, which in Annex 1 contained a list of countries that had been confirmed as free of FMD without vaccination, including several EC member States. G/SPS/GEN/240 contained the relevant Code chapter on FMD, which had been thoroughly reviewed between 1990 and 1997 and should be taken into account by WTO Members.

518. The European Communities noted its long tradition of good trade with Uruguay and Argentina, and hoped the situation would soon be resolved. In the EC view, Australia's questionnaire was out of proportion with the problem to be addressed. It was not acceptable that non-affected countries received a questionnaire corresponding to an affected country wanting to be declared free of FMD. The European Communities appreciated the US reaction regarding unaffected countries, and asked the United States to follow the example of Canada and New Zealand in handling the crisis. Brazil and Bolivia expressed concern that Members were departing from the principles of the SPS Agreement.

519. In October 2001, the European Communities expressed concern over continued Australian restrictions, which affected member States in which there had been no outbreaks of FMD and were based on a failure by these countries to reply to an Australian questionnaire. Canadian and US restrictions against Greece also affected a member State where no outbreak had occurred and that had been declared FMD-free in the meantime. The European Communities also brought to the attention of the Committee continued US, Japanese and Mexican restrictions against France, the Netherlands and Ireland. New Zealand, Indonesia, Ukraine and Switzerland had lifted restrictions against member States after they had regained FMD-free status.

520. Australia reported that it was now able to recognize all member States except the United Kingdom as FMD-free. Japan stated that bilateral consultations were continuing with France, Ireland and the Netherlands. The United States reported that import restrictions continued to apply to the United Kingdom, the Netherlands, France and Ireland. The United States recognized that the disease outbreaks in these countries were limited, no remaining technical concerns existed, and the United States was taking the necessary regulatory actions to publicize the proposals in the Federal Register. Concerning Greece, the product ban pre-dated the current FMD outbreak and was a separate issue. Canada recalled that Greece had only recently expressed an interest in exporting meat products to Canada, and the request was being evaluated.

521. In June 2002, the European Communities reported that most Members had lifted their restrictions related to the FMD outbreak in Europe. The OIE had just revised its list of countries recognized as FMD-free, which included all 15 EC member States. However, some Members continued to apply restrictions or requirements which served as administrative bans on EC products, in particular UK meat and meat products. Argentina noted that they also continued to suffer long-term negative effects from measures kept in place without justification.

522. Japan reported that the Domestic Animal Infectious Disease Control Law had been amended on 14 June, permitting resumption of imports of pork meat and products from France and Ireland. The comment period regarding a proposed lifting of the import ban on Dutch products had just concluded, and the ban could be lifted as early as mid-July.

523. In November 2002 the European Communities noted disappointment that some unnecessary and unreasonable FMD trade barriers continued to affect EC exports, in violation of the SPS Agreement. Mexico imposed a number of BSE-related measures that had a detrimental effect on exports from Austria, although Austria had registered no cases of FMD in the course of the 2001 outbreaks. Bilateral meetings on the matter had been unsuccessful. Mexico indicated that it recognized Austria as being FMD free but were waiting to receive a request from Austria for plant inspections. Argentina supported the comments made by the European Communities with regards to FMD-related measures taken by certain Members.

Other Animal Health Concerns

181. Certain Members – Notifications related to Avian Influenza

Raised by:	United States
Supported by:	
Dates raised:	March 2002 (G/SPS/R/26, paras. 63-66)
Relevant document(s):	Raised orally
Solution:	Not reported

524. The United States noted that although international standards existed with regard to avian influenza, differences in the understanding and interpretation of these standards was resulting in unjustified trade barriers. The OIE considered highly pathogenic avian influenza as a List A disease, however low pathogenic strains were not considered to have any significant animal health or socio-economic consequences. However, some Members had restricted imports of poultry products from the United States due to a strain of low pathogenic avian influenza in two poultry flocks in the state of Virginia. The United States requested that the OIE national and regional offices take a pro-active role in advising their members on this matter. Japan observed that there was a possibility of variation in the strains, with a case of a low pathogenic strain causing an outbreak that later varied to a high pathogenic strain. Japan had provided scientific evidence in this regard to the United States, and believed that its measure was fully justified.

525. The OIE confirmed that the OIE Animal Health Code referred to highly pathogenic or virulent avian influenza; most strains of avian influenza were of low pathogenicity and did not cause economic effects. However, the OIE Manual of Standards also made reference to low pathogenicity viruses in laboratory tests through mutation showing highly pathogenic effects in the field. The OIE was working on a definition to include such viruses. The Philippines noted that the OIE Manual also included some text related to low pathogenic strains as these strains could also cause clinical disease and problems.

PLANT HEALTH

182. Phytosanitary issues in general

Raised by:	United States
Supported by:	
Dates raised:	March 1997 (G/SPS/R/7, para. 12)
Relevant document(s):	Raised orally
Solution:	Not reported

526. The United States noted that the mere existence of a plant disease or pest in traded agricultural goods did not necessarily constitute a risk to the importing country if, for scientific reasons, the pest or disease could not establish itself in the area into which it was being imported. Likewise, if the disease or pest was already prevalent in the importing country, import controls were unlikely to serve any significant health objective. The United States urged Members to ensure compliance with the principle of national treatment as well as other key provisions.

183. Implementation of ISPM 15

Raised by:	Chile
Supported by:	Argentina, Colombia, Mexico, Paraguay, Uruguay
Dates raised:	October 2003 (G/SPS/R31, paras. 135-137)
Relevant document(s):	G/SPS/GEN/435
Solution:	Not reported

527. Chile stated that Members should take into consideration the zone of production of the wood and allow sufficient time for countries to adapt their treatment methods to meet the ISPM 15 standard when adopting the measures. Compliance with the standard required the private sector to make large scale investments, a certification process to register the mark on packaging, establishment of an accreditation system, and the setting up of supervisory and audit systems. Chile's concerns were detailed in document G/SPS/GEN/435.

528. Uruguay stated that it was the implementation of the standard that was the problem. Argentina supported the comments make by Chile and Uruguay. Mexico stated that problems could arise with implementing this standard and that discussions on this issue should continue in the context of the SPS Committee. Paraguay and Colombia supported the comments made by others.

529. Canada commented that the standard was not new as it had been adopted by the IPPC in June 2002. Canada had planned to implement the standard in June 2003 but delayed its implementation until January 2004 to give Members sufficient time to adapt wood treatment processes. Canada would provide a transition period and recommended that the issue be discussed under Agenda Item 7(a) regarding the use of international standards.

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