

IMPORT RESTRICTIONS AFFECTING BSE FREE COUNTRIES

Statement by Romania on behalf of Bulgaria, Croatia, Czech Republic,
Estonia, Latvia, Poland, Romania, Slovak Republic and Slovenia
at the Meeting of 14-15 March 2001

1. I have the honour to speak under this agenda item on behalf of **Bulgaria, Croatia, Czech Republic, Estonia, Latvia, Poland, Romania, Slovak Republic and Slovenia**, and wish to bring to the Committee's attention the situation regarding import restrictions imposed recently by some WTO Members as a response to the BSE concern.
2. We refer here to the notifications of Argentina (G/SPS/N/ARG/59), Australia (G/SPS/N/AUS/125), Canada (G/SPS/N/CAN/94), Korea (G/SPS/N/KOR/83 and 85), New Zealand (G/SPS/N/NZL/77) and United States (G/SPS/N/USA/379) announcing in various ways the introduction of emergency measures banning imports of certain animal products from our countries (beef and beef products, bovine embryos, sheep, goat and other ruminant animals, their meat and meat products, foodstuffs of ruminant origin and rendered animal protein products). We are also aware of similar measures taken by other Members, which have not been notified up to now.
3. We consider these measures as being unjustified and arbitrary for several reasons that we will take the opportunity to recall here.
4. The countries on behalf of which I am speaking are BSE-free and they have not been included on the OIE list of countries with reported cases of BSE contamination.
5. The above-mentioned measures are neither in conformity with paragraph 1 of Art.3 of the SPS Agreement, which stipulates that "Members shall base their sanitary and phytosanitary measures on international standards, guidelines or recommendations", nor with paragraph 3 of Art.3 of the SPS Agreement, which stipulates that "Members may introduce or maintain sanitary or phytosanitary measures which result in a higher level of sanitary or phytosanitary protection than would be achieved by measures based on the relevant international standards, guidelines or recommendations, if there is a scientific justification".
6. In our opinion, these measures are not based on a proper risk assessment. We thus request the countries imposing restrictions to provide information on the consideration that have led to the decision to include our countries on the list of states likely to be affected by BSE, in accordance with paragraph 8 of Art.5 of the SPS Agreement.
7. We are not questioning the right of WTO Members to act with precaution as provided for in Article 5.7 of the SPS Agreement, provided that all necessary conditions set forth therein have been met. However, in these specific cases we have serious doubts about compliance with all these conditions.
8. Given the fact that no adequate response to our concern was given so far and none of the countries banning imports of the above mentioned products from our countries have requested any

relevant information, we take this opportunity to express our authorities' openness in providing the necessary documentation warranting our status of BSE-free countries.

9. Providing the same treatment as accorded to the countries with an incidence of this disease seems to be disproportionate compared to the risks involved. Here let me recall that the second paragraph of Article 2 of the SPS Agreement obliges Members to ensure that sanitary measures are applied only to the extent necessary to protect human and animal life and health.

10. Our countries have introduced measures banning imports of live animals and products thereof from countries where cases of BSE were diagnosed, in conformity with OIE recommendations. Our countries are also banning the use of ruminant proteins in the preparation of animal feed and the imports of these products.

11. Considering our countries as BSE risk countries is an arbitrary decision that affects exports of the above-mentioned products on the markets imposing restrictions.

12. Our countries are reliable suppliers of animal products, practising a healthy agriculture, due to the sustainable systems of animal production based mainly on natural resources, being no secret that the high costs of animal flours have also contributed to such policies.

13. We do understand that this matter is of interest to all Members, given the concern of BSE transmission and the principle of precaution. We do however face the risk of transforming preventive measures into discrimination, thus affecting the balance of rights and obligations under the WTO Agreements.

14. The import measures as they currently stand are bound to have unintended consequences for the Members who have imposed them which will be very difficult to remedy once they manifest themselves. Moreover, even these countries could face at any point in time a similar situation, their status of BSE free countries not being taken into account. The import bans on several BSE-free countries will undermine consumer confidence in bovine meat around the world irrespective of its origin. This will inevitably lead to further drops in international demand and the introduction of similar measures against other countries free from BSE with the ultimate result of further segmenting and destabilizing the international beef market. After the inclusion of meat and other products of non-bovine ruminant, porcine and avian origin under the scope of the import ban by a number of Members the situation has assumed a totally new, much more dangerous dimension threatening the stability of the global meat market.

15. In conclusion, in light with the above mentioned considerations, we ask the respective countries to take the necessary steps in order to lift, as soon as possible, the import ban for products originating from our countries.

16. In this context, we mention that we reserve all our rights under the relevant provisions of the WTO, and, if needed, to return to this item in the next session of the SPS Committee.
