

**CUBA - RESTRICTIONS ON THE ENTRY OF COOKED SAUSAGES  
AND RAW AND COOKED SALTED MEAT DUE TO  
FOOT-AND-MOUTH DISEASE**

Submission by Argentina

A. BACKGROUND

- On 27 December 2001, the National Agriculture and Food Quality and Health Service (SENASA) submitted a request through the Ministry of Foreign Affairs for health requirements for the export of these products.
- On 11 January 2002, SENASA received the export requirements established by the Cuban Institute of Veterinary Medicine (IMV).
- On 6 March 2002, SENASA submitted through the Ministry of Foreign Affairs a health certificate proposal for the export of these products.
- On 20 March 2002, SENASA received a reply from the Cuban IMV, informing it that the import into Cuba of both raw and cooked sausages from Argentina was prohibited.
- On 25 March 2002, SENASA sent a note to the Ministry of Foreign Affairs and the Director of the Cuban IMV, Dr. Emerio Serrano, with explanations by SENASA's technical divisions guaranteeing that the foot-and-mouth disease (FMD) virus would not be transmitted as a result of the processes which these products undergo and adding that its proposed certification fully complies with the rules established in the International Animal Health Code of the World Organization for Animal Health (OIE).
- On 25 April 2002, SENASA received a reply from the Cuban IMV, through the Argentine Embassy, informing it that Cuba's position regarding the ban on the import of meat and meat products of Argentine origin is consistent with the policy that Cuba has always maintained in risk analysis work of aiming at the non-existent zero risk. Cuba only permits the import of bovine meat from countries free of foot-and-mouth disease without vaccination.
- At the last OIE plenary session, held in Paris in May, Dr. Serrano reasserted Cuba's position on the ban on the import of products of animal origin from countries with foot-and-mouth disease. Dr. Serrano added that Cuba always insisted on zero risk when importing meat into its market, i.e., from countries free of FMD without vaccination.

B. CONSISTENCY OF THE BAN WITH THE OBLIGATIONS ESTABLISHED IN THE SPS AGREEMENT

This ban on imports is inconsistent with the obligations established within the framework of the multilateral trading system, in particular with commitments under the WTO Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement).

This inconsistency stems from the fact that the measure in question is stricter than the international reference parameters (the OIE International Animal Health Code) and lacks sufficient scientific grounds and risk analysis to justify it. Moreover, it is disproportionate in relation to the established objectives. As a result, it is inconsistent with the provisions of Articles 2.2, 3.3, 5.1, 5.6, 7 and other related Articles of the SPS Agreement.

In view of the above considerations, Argentina formally requests that the Cuban authorities lift the restriction imposed on Argentine exports of cooked sausages and raw and cooked salted meat due to foot-and-mouth disease or, failing this, provide sufficient scientific evidence to justify the additional protection established in relation to the international rules of reference.

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