

**SANITARY MEASURES ADOPTED BY HONDURAS
IN CONNECTION WITH ITS AVIAN HEALTH SITUATION**

Statement by Honduras at the Meeting of 7-8 November 2002

Background

1. Owing to the avian health situation in Honduras, the Ministry of Agriculture and Livestock established a national avian programme, the key objective of which was to initiate a campaign for the prevention, control and eradication of avian diseases (Newcastle disease, avian influenza, avian laryngotracheitis, pullorum disease and fowl typhoid), as notified at the time to all WTO Members in document G/SPS/N/HND/3.

2. As a result of a consistent programme and a major, joint effort by the poultry sector and the Government, in October 2001 Honduras declared itself free of the above diseases. Throughout this process begun in 1999, Honduras regularly kept the OIRSA Animal Health Directorate and its trading partners informed of progress in this national campaign, by communicating and publishing its Regulations, sample designs and avian epidemio-surveillance programmes. Developments were also reported to various technical fora, one of which – as recorded in the Report of the Sixteenth Special Session of the Technical Commission of the Regional International Agricultural Health Committee (HCIRSA) – was attended by the Ministers of Agriculture of Central America and the Caribbean. Honduras had provided the Costa Rican health authorities with the relevant documentation at the time.

3. Having made the above notification and in view of the change in the country's health status, Honduras informed its trading partners of the adoption of sanitary measures to protect its domestic poultry, substantiated by technical and scientific evidence which was shared with the trading partners.

4. Since Costa Rica's avian health status regarding these diseases was not known and the requested information could not be provided at the time, Honduras technically determined the lack of equivalence between the two countries' avian health programmes; indeed, Costa Rica was unable to guarantee Honduras an adequate level of protection – a right of which Honduras, as the importing country, avails itself in this case, as notified in document G/SPS/N/HND/3 at the outset of the campaign for the prevention, control and eradication of avian diseases, the relevant section of which reads as follows: **"Only poultry, products and by-products thereof, from countries with equivalent legally-established animal health programmes for the prevention, control and eradication of avian diseases may be imported"**.

5. So as not to jeopardize trade between the two countries while abiding by its strict undertaking to protect domestic poultry; pursuant, moreover, to Article 6 of the WTO Agreement on the Application of Sanitary and Phytosanitary Measures; and Costa Rica having stated that it lacked funds to establish a national avian disease eradication and control programme, Honduras stated its readiness to recognize disease-free or low-prevalence areas, on which it asked Costa Rica to supply all the requisite information; a 10-point protocol was drawn up by Honduras and sent on

6 March 2002 for use as a reference by the Costa Rican authorities with a view to re-activating trade in the areas concerned. To date, Honduras has not received the technical information requested.

6. Despite the numerous discussions and meetings that had taken place, Costa Rica lodged a complaint against Honduras through the Secretariat for Central American Economic Integration (SIECA), accusing Honduras of applying disguised restrictions on trade. The matter was discussed at a meeting in Guatemala on 17 April last, at which Costa Rica withdrew items 7 and 8 from the agenda, for lack of technical evidence. Honduras told the representatives present that if Costa Rica already had all the information requested, this should be made available to Honduras, which would immediately entrust a commission with the task of reviewing the documents, conducting an on-site inspection of the areas to be certified as disease free, and, if such were the case, initiating trade. The Costa Rican authorities, represented by Dr. Hugo Sánchez, requested another 45 days to supply the information to the Honduran health authorities, the date being set at around 3 June 2002. When the time came, Costa Rica postponed the deadline and the meeting until 3 July (i.e. a month later). At the bilateral meeting that took place on that date, Honduras was told that Costa Rica was under no obligation to provide any further information.

7. The Costa Rican authorities asked various technical fora to extend the deadlines for the presentation of Costa Rica's avian programmes, so as to be able to inform them of the systematic and permanent monitoring of avian diseases – especially those of which Honduras had declared itself free. So far, Costa Rica has not supplied the documentation to Honduras' satisfaction. Honduras has repeatedly asked to conduct an on-site inspection but has not been allowed to proceed. The foregoing shows that Costa Rica has been unable to provide evidence of its actual avian health status, which Honduras, as a country free of the four diseases in question, deems indispensable. The Costa Rican health authorities have acknowledged this situation, as indicated at the following meetings:

- (a) Meeting of the Regional Avian Technical Commission in Puntarenas, Costa Rica, in 2002 (at which Costa Rica presented the sample designs it intends to apply).
- (b) Bilateral meeting within the framework of the HCIRSA meeting on 17 and 18 April 2002 in Mexico (with OIRSA attending as an observer), at which Costa Rica explained that its avian health control programme was not ready – mainly on account of follow-up problems in the monitoring sphere – because the programme had only recently been established and was still being organized.
- (c) The situation was further confirmed at the following bilateral meetings:
 - c.1 Meeting on 3 July 2002 in Tegucigalpa, Honduras
 - c.2 Meeting on 6 August 2002 in Tegucigalpa, Honduras
 - c.3 Meeting on 30 August 2002 in San José, Costa Rica

The above meetings showed that Costa Rica did not have a systematic and permanent avian disease follow-up programme, which is why it had failed to present the systematic and regular samples that would have given Honduras a real and technically substantiated picture of its avian health status, especially regarding the four avian diseases of which Honduras has declared itself free.

8. On 3 July, Costa Rica presented a provisional document outlining its avian programme, and on 6 August, the Costa Rican health authorities reported on progress made in training technical personnel so that they could start with monitoring and sampling tasks.

9. At the bilateral meeting on 30 August, Costa Rica undertook to monitor avian salmonellosis and avian laryngotracheitis and provided Honduras with a preliminary report, on which Honduran technical personnel gave their comments (Note SAG-1075-2002) and asked to receive further information since the document specified that the study had not been completed, with laboratory results still pending.

10. At the regional level, it is important to mention that an Avian Regional Technical Commission, including representatives of the Costa Rican health authorities and the private sector, has been established at the request of the region's Ministries of Agriculture and Livestock. This Commission is in charge of harmonizing requirements in respect of sample designs, and at the meeting subsequently held in Puntarenas, Costa Rica, the Costa Rican health authorities were urged to abide by the agreements concluded.

11. It clearly emerges from the above that the Costa Rican health authorities have not yet satisfied Honduras' technical requirements, which is why the technical process has not been completed and Honduras deems that the Costa Rican health authorities should comply by providing the appropriate technical and scientific documentation regarding the country's avian health status. **In this connection, Honduras reiterates its request to conduct an on-site inspection**, which has so far been denied by Costa Rica and which is a right of which Honduras avails itself as the importing country.

12. As regards fresh poultry products, Honduras is merely asking the Government of Costa Rica to supply the information requested so that access can be granted in accordance with regional conditions and Costa Rica's avian disease-free areas can be duly accredited. As soon as Costa Rica provides the necessary evidence and the relevant on-site inspection has been conducted and its results established, as stipulated by the WTO SPS Agreement, Honduras will allow access to fresh poultry meat.

13. None of Honduras' poultry products has been allowed access to the Costa Rican market, although Honduras has been demonstrated to run a consistent avian health programme.¹ The Costa Rican health authorities have all the information relating to Honduran programmes from 1999 to date.

14. Moreover, Costa Rica's veterinary services have lost credibility in Honduras' eyes because of their lack of transparency, having issued official certificates for breeding animals (cattle) that tested positive for **brucellosis and leukosis** during quarantine in Honduras; this caused the municipality in question to lose its brucellosis- and leukosis-free status and entailed significant financial losses for the Honduran Government. Honduras consequently asked to carry out an on-site inspection in Costa Rica, having noted irregularities in official documents, the accreditation of laboratory results not conducted in official facilities and the signing of documents by technicians without official status or accreditation by the Costa Rican Government.

Additional comments

15. As regards document G/SPS/GEN/347 circulated by Costa Rica, section 1 on page 4 refers to Newcastle disease, stating that Honduras has recognized Costa Rica as a country free of the disease. In this connection, the Government of Honduras formally requests the Government of Costa Rica to provide the official documents validating that affirmation. Moreover, in section 2, Costa Rica refers to avian influenza, stating that Costa Rica "se ha declarado libre de esta enfermedad" (has declared itself free of this disease) and stating that it is in a position to export poultry meat to international markets. Honduras asks Costa Rica to supply the official documentation in support of that assertion.

¹ OIE Bulletin No. 6, November 2001, pp. 810 to 815 (attached).

16. Lastly, Honduras wishes to make clear that it is not applying restrictive measures "in absolute terms" on imports of poultry meat from Costa Rica. The Honduran Government is merely asking Costa Rica – as indeed all countries – to present the documentation that certifies the equivalence of its avian health status with that of Honduras and to allow Honduran technical personnel to conduct on-site inspections, which Honduras, as the importing country, is entitled to do, pursuant to Article 4.1 of the SPS Agreement.
