

**THE FAILURE OF THE EUROPEAN COMMUNITIES TO AMEND EC  
DIRECTIVE 2001/661/EC ALLOWING THE IMPORT OF BONE IN MEAT  
FROM OVINE/CAPRINE SPECIES FROM COUNTRIES ZONED FREE  
FROM FOOT AND MOUTH DISEASE WITHOUT VACCINATION**

Communication from South Africa

1. South Africa and Namibia are zoned free from foot and mouth disease without vaccination by the Office International des Epizooties (OIE). Both these countries regained their zoned free status without vaccination after the successful containment of outbreaks of foot and mouth disease. The European Communities accepted the successful control of foot and mouth disease in South Africa by virtue of Commission Decision 2001/661/EC of 7 August 2001, allowing the import of fresh meat from South Africa except from those areas within the foot and mouth disease control zone of South Africa, even before the Foot and Mouth Disease and Other Epizootics Commission of the OIE recommended the re-instatement of the zoned-free status of South Africa in May 2002.
2. Commission Decision 2001/661/EC of 7 August 2001, however, still requires supplementary guarantees in respect of the export of ovine and caprine meat from the foot and mouth disease free zones without vaccination in South Africa and Namibia, which is inconsistent with Article 2.1.1.20 of the International Animal Health Code of the OIE. Article 2.1.1.20 does not require the deboning of meat if such meat originates from FMD free countries or zones where vaccination is not practiced. Only in the case of Article 2.1.1.21 of the OIE Code (importation from FMD countries or zones where vaccination is practiced) is it required that imported fresh meat must come from deboned carcasses.
3. In both South Africa and Namibia, the export of mutton constitutes a substantial contribution to the red meat export market. The deboning of sheep and caprine carcasses however is regarded as an inhibitory factor to expand the export market.
4. There appears to be no scientific justification for the failure of the European Commission not to amend Commission Decision 2001/661/EC of 7 August 2001 to be on par with the requirements of the OIE Code Article 2.1.1.20 when fresh meat from the ovine and/or caprine species are imported into the European Communities from countries zoned free from foot and mouth disease without vaccination. In informal and formal deliberations between South Africa, Namibia and the European Commission, it was said that an approved storage facility for emergency southern Africa Territory Foot and Mouth Disease Virus vaccines (SAT FMD viruses) needed to be established as a contingency measure within the Community before consideration could be given to amend the applicable EC Directive for the import of fresh meat from third countries. As far as can be established, such a facility has already been established and put into operation.

5. The continued insistence by the European Commission for requiring supplementary guarantees in terms of Annex II of Commission Decision 2001/661/EC of 7 August 2001 from countries who are exempted from this in terms of Article 2.1.1.20 of the OIE Code, is regarded as a disguised restriction on international trade in terms of Article 2.3 of the SPS Agreement, and not in accordance with Article 2.2 and Article 3(b) (Annex A) of the SPS Agreement.

6. The European Communities is therefore urgently requested to amend Commission Decision 2001/661/EC as requested, or to provide the scientific justification required in terms of Article 3.3 of the SPS Agreement for insisting on a sanitary measure which results in a higher level of sanitary protection than required in terms of Article 2.1.1.20 of the OIE International Animal Health Code.

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