

**JAPAN'S OFFICIAL CONTROL RESTRICTIONS**

Statement by New Zealand at the Meeting  
of 2-3 April 2003

1. We are disappointed to have to raise the issue of Japan's plant fumigation policy again at this forum. However, the concerns we raised at the last two meetings of this Committee remain.
  2. Our concern is that Japan's phytosanitary measures are not consistent with the relevant international definition as given in the International Standards for Phytosanitary Measures (ISPM) 5 and the Guidelines in ISPM 5 Supplement No.1; and the structure of Japan's plant fumigation regime leads to fumigation of non-quarantine pests.
  3. We have previously advised this Committee of the on-going bilateral discussions between New Zealand and Japan on this issue that have continued on a regular basis since 1983. The SPS Committee has also previously considered the issue under three different agenda items during which Members voiced their concerns. It is obvious that Japan's plant protection restrictions are a significant issue to a number of Members.
  4. At the November 2002 meeting of this Committee, we requested that Japan issue a policy statement by 1 January 2003, to confirm that it would not take any action (eg. fumigation) on any pest intercepted at the border on imported produce if that pest is already present in Japan and not under official control as defined by the Convention (IPPC).
  5. To date this policy statement has not been forthcoming.
  6. We are concerned that Japan continues to apply phytosanitary measures which are inconsistent with its SPS Agreement obligations. Two years have elapsed since the IPPC's definition and guidelines were adopted in April 2001. Japan has still not brought its phytosanitary requirements into line with these guidelines nor provided any evidence that it has a proactive programme to do this.
  7. Since the November SPS Committee meeting, Japan has indicated its willingness to engage in further bilateral technical discussions, with New Zealand, on this issue. New Zealand for its part has confirmed its willingness to engage in these discussions while emphasising that its primary interest lies in resolving the substantive generic issue of Japan's non-compliance with internationally agreed standards. These technical discussions may begin informally at the 5<sup>th</sup> meeting of the Interim Commission on Phytosanitary Measures in Rome next week.
  8. Japan's fumigation regime continues to operate outside internationally agreed upon definitions and guidelines. We, together with others affected by this non-compliance, wish to know when and how Japan intends to rectify this situation.
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