

CZECH REQUIREMENTS FOR THE IMPORT OF
WARE POTATOES (G/SPS/N/CZE/12)

Statement by the European Community at the Meeting of 15-16 October 1997

1. G/SPS/N/CZE/12 was notified on the 11 September 1996, as an emergency measure for the 1996 import season. The European Community commented on the measure on 1 October 1996. At a later stage, the Czech authorities notified a draft, numbered as G/SPS/N/CZE/13, converting the emergency measure into a permanent regime. The measures deal with phytosanitary requirements, namely the registration of products for plant protection and handling of these products.
2. The Czech authorities require that ware potatoes are treated with a sprout suppressant, and that the plant protection product used needs to have been registered according to the provisions in Decree 84/1997 and Law No. 147/1996. This means that potato imports are restricted on the basis of the plant protection product applied to the potato tubers and not the active ingredient responsible for the sprout-suppressing action involved.
3. Only one product, FAZOR (with active ingredient maleic hydrazide), is currently registered in the Czech Republic. This product is not commonly used in the European Union. Furthermore it seems to pose residue problems and to be restricted in its period of application.
4. According to the Czech legislation an application for registration of plant protection products has to be presented by "a physical or legal person who intends to introduce the given plant protection products into circulation" and this person or "legal representative" "must be established in the Czech Republic". Thus the addition of new products is dependent on, in effect, a pesticides company making an application.
5. Overall, the Czech regulations amount to a ban on the import of EC potatoes into the Czech Republic. The issue has already been discussed before and after the notification to the WTO, in the framework of the EC/Czech Agricultural Sub-Committee. However, notwithstanding the ongoing discussion, it is not yet resolved.
6. The general approach, requiring the use of products registered in the Czech Republic rather than specifying acceptable active ingredients (with maximum residue levels), seems to be contrary to a number of SPS provisions for phytosanitary measures, amongst these that they have to be based on scientific principles and not maintained without sufficient scientific evidence.
7. The level of protection set by the Czech Republic could be fulfilled by less trade restrictive measures if sprout-suppressant products, different from those currently authorized but containing either the same active ingredient or a different active ingredient with the same sprout-suppressant action, would be allowed. Therefore, the requirement appears to be in breach of the provisions of Article 4 of the SPS Agreement.
8. The European Community would like to have an update on how the Czech Republic will address these concerns.