

**QUESTIONS POSED BY COLOMBIA TO THE EUROPEAN COMMISSION  
REGARDING NOTIFICATION G/SPS/N/DEU/9**

1. Which international regulation or standard, specifically from the Codex Alimentarius or the FAO, is used by the German government as a basis for establishing the maximum levels of Ochratoxin A that a foodstuff, particularly soluble, roasted or instant coffee, must contain to be considered a threat to consumer health?
2. Taking into account the provisions of Articles 2.3 and 5.5 of the SPS Agreement, how can the German government justify the introduction of a sanitary measure that establishes maximum levels of Ochratoxin A for coffee, without establishing maximum levels of Ochratoxin A for other foodstuffs that could likewise affect human health, such as cereal-based products including bread and beer, and grape-based products like wine, all of which contribute at least as much, if not more, to the intake of Ochratoxin A and which are produced and consumed in large quantities in Germany? The Colombian government feels that this measure could be perceived as discriminatory.
3. In the event that the German government imposes maximum levels of Ochratoxin A for coffee (in whatever form), what method will the German authorities use to verify compliance with the standard without causing undue prejudice to coffee exporters?
4. The Colombian government would like the German government to specify the maximum levels of Ochratoxin A in other foodstuffs consumed in Germany and the scientific methods, linked to the respective calculations, that are used to establish that these maximum levels constitute a limit that prevents damage to the health of the German consumer. This would enable the analyses submitted by the German authorities to be compared against the consumption and intake of Ochratoxin A through different foodstuffs.

Should the measure be applied, the Colombian government feels that it would affect Colombia's rights under the SPS Agreement, particularly as the measure appears to be inconsistent with some of the provisions of the Agreement (Articles 2.1, 2.2, 2.3, 5.1, 5.4, 5.5 and 5.6) and could constitute a technical barrier to trade. The Colombian government therefore requests that the notified measure not be applied.

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