

EUROPEAN COMMUNITY: PROHIBITION ON THE USE OF SPECIFIED  
RISK MATERIALS (SRM)

Submission of Australia

The following communication was received from Australia on 26 November 1997.

Introduction

1. The following comments have been submitted by Australia in response to the notification by the European Community of Commission Decision 97/534/EC of 30 July 1997 on the prohibition on the use of specified risk materials (SRMs) for any purpose (G/SPS/N/EEC/49).

Specific comments

2. The Specified Risk Material (SRM) Decision imposes restrictions well beyond the level which would be adequate to meet the required objective. In particular, the Decision fails to take adequate account of the principles of risk assessment in framing its ban on SRMs, and fails to take account of appropriate science-based measures for risk management strategies to protect the public against the associated risks.

3. The Commission's desire to introduce measures to restrict imports of products containing SRM's from countries in which TSEs affecting animals, and in particular BSE, are found is understood. However, these measures should be carefully designed on the basis of sound science, to address the sources of risk, while ensuring that they are not more trade restrictive than required, and do not disrupt the availability of proven safe products.

4. It is noted that the relevant international standard by which to judge freedom from BSE is the Office International des Epizooties' (OIE) Code on BSE which was amended in May 1997. The SRM Decision appears to impose a standard different from and higher than the international standard in as much as Decision 97/534 requires a country to adopt SRM measures regardless of its TSE status. Advice on the basis for imposing a different standard would be appreciated.

5. For countries such as Australia, which fully meet the OIE Code standards for freedom from BSE, there is no scientific justification for banning specified risk materials. The Decision does not distinguish between imports originating in regions where BSE/Scrapie are known to exist and those from BSE/Scrapie free areas. There is a need for this differentiation to be expressed in the legislation

in order to meet the requirement of the WTO Agreement on the Application of Sanitary and Phytosanitary Measures to take into account the disease status of different regions or countries.

6. The implementation of this decision will seriously disrupt international trade in pharmaceutical and cosmetic products, tallow and its derivatives and pet food from countries in which TSEs affecting animals do not exist. The measure will also seriously affect indirect trade in these products. Countries free from TSEs affecting animals will be unjustifiably affected by the imposition of new, costly manufacturing and sourcing requirements.

7. Having regard to the matters raised above, including in respect to its obligations as a member of the WTO, it is trusted that the European Community will appropriately modify the application of this legislation so as not to disrupt trade through placing requirements for the exclusion of SRMs upon countries such as Australia which meet agreed international criteria for BSE freedom.