

SLOVAK PHYTOQUARANTINE MEASURE FOR THE IMPORT
OF WARE POTATOES

Submission by the European Community at the meeting of 12-13 March 1998

General comments

1. The above measure, which was issued on the basis of the law of the National Council of the Slovak Republic N. 285/95, was notified as an emergency measure and numbered as G/SPS/N/SVK/9. This has been already the subject of discussions with the Slovak authorities. The European Community expressed concern that the measure has been introduced without any preliminary notification under the SPS Agreement and thus third countries, including the European Community, had no opportunity to comment on the measure prior to its adoption. The notification has recently been notified as an emergency measure: there would appear to be no justification for this choice of notification and it gives a limited framework for formal consideration of Member's comments.

Specific comments

2. In respect of this notification the European Community recognised that phytosanitary measures should be taken to prevent the introduction and spread of quarantine diseases of potatoes, particularly Clavibacter michiganensis ssp. sepedonicus and Ralstonia (Pseudomonas) solanacearum, in relation to imports. However the European Community is concerned about the specific measure proposed and would wish to make the following points:

- (a) The requirement for imports of consumer potatoes to have been treated against germination using one named plant protection product which has to have been registered in the Slovak Republic, is contrary to the principles of the SPS Agreement. This stipulates that any phytosanitary measure should be based on scientific principles, and in this case the requirement for a treatment by the exporting country with a sprout suppressant offering equivalent guarantees authorised in that country should be sufficient. If a Member State has authorised the use of particular products (containing particular active ingredients) then the Slovak authorities should accept such a use without requiring registration of these products in the Slovak Republic.
- (b) The European Community accepts the concern for residues on potatoes treated with sprout suppressant products. However, this concern should be addressed, as is the case in EC legislation, by setting maximum residue levels for potatoes.
- (c) The European Community would like clarification on the reference to "import licences". In earlier contacts the Slovak authorities have explained the "import licence" requirement in terms of simply the "normal official checking procedures on importation". It would be helpful to have this explanation confirmed in writing.

Conclusion

3. The level of protection set by the Slovak Republic could be fulfilled by less trade restrictive measures if sprout-suppressant products, different from those currently authorised but containing either the same active ingredient or a different active ingredient with an equivalent sprout suppressant action, would be allowed. The requirement appears to be in breach of the provisions of the SPS Agreement, in particular Articles 2 and 4.

4. In the recent technical discussions held between European Community and the Slovak authorities, there was an indication that the Slovak authorities would reflect on the approach indicated under points 3 (a) and (b) above. The European Community is looking forward to an early resolution of this matter in accordance with the principles of the SPS Agreement.
