

**SLOVAK BAN ON IMPORTS OF APPLES, PEARS AND QUINCES
(G/SPS/N/SVK/8 AND REV.1)**

Statement by Hungary at the Meeting on 12-13 March 1998

1. On 28 November 1997, the Slovak Republic notified in document G/SPS/N/SVK/8 that from 10 September of the same year an import ban had been imposed on the fruits of apples, pears and quinces from countries with occurrence of fire blight (*Erwinia amylovora*). The protection of the Slovak national territory from this bacterium was stated as the objective of this measure. In addition to this ban, new administrative requirements which were claimed to be in accordance with EEC Directive No. 77/93 had been also introduced for countries with no incidence of this pest.
2. Hungary has been recently informed that the Slovak Republic modified the phytosanitary measure imposing the import ban on 15 February 1998. The changes seem to address some of our concerns that were conveyed to the Slovak authorities as importation of the fruits of apples, pears and quinces from the date mentioned may take place also from protected zones and from places of production which are under the control and inspection of phytosanitary authorities of the relevant country. However, the modified measure imposes extremely burdensome certification and notification requirements, such as the compulsory submission of an exhaustive list of production sites indicating the locality, orchard area and composition of species of these plants.
3. Despite the recent modification of the regulation imposing the import ban, the basic problem with the measure at issue remains unresolved. That is, the measure appears to go in its application much beyond the extent that is necessary to protect plant life or health, is neither based on scientific principles nor maintained with sufficient scientific evidence, and appears to constitute a disguised restriction on international trade. Consequently it seems to be in breach of the obligations contained in paragraphs 2 and 3 of Article 2 of the Agreement on Sanitary and Phytosanitary Measures.
4. Hungary bases the above claims on the following considerations:
 - (a) First, it is internationally generally recognized that the risk of a spread of fire blight (*Erwinia amylovora*) through fruits or the packaging material is negligible for only young fruits can possibly be infected by this bacterium. The sugar content of ripe fruits makes them tolerant of this organism. An infected young fruit rapidly falls victim to fire blight (*Erwinia amylovora*) and does not ripen further.
 - (b) Secondly, the phenological stadium of the fruit trees and the climatic conditions during the period when Hungarian exports take place (that is from October to March) eliminate even the remote possibility of an infection as the plants find themselves in a dormant period and the low temperatures prevent the bacterium from surviving on the surface of the fruit or the packaging material for more than a month.
 - (c) Thirdly, there is no international standard, recommendation or guideline that would recognize the hazard of the spread of fire blight (*Erwinia amylovora*) through fruits.

The reference in the Slovak Regulation to Quarantine Procedure No. 40/92 of the European Plant Protection Organization and in the Slovak notification to the European Communities' Directive No. 77/93 is misleading as they relate exclusively to the threat of the spread of fire blight (*Erwinia amylovora*) through propagating material but not through the fruit of these trees.

5. Hungary is deeply disappointed that despite the above considerations, which were conveyed to the Slovak authorities late last year both orally during a bilateral expert meeting and in a letter, the Slovak Republic still maintains this measure which in our view is not underpinned by solid, internationally accepted and scientifically valid evidence and which by impeding trade continues to cause significant losses to our exporters. Hungary would like to urge the Slovak Republic to withdraw the measure at issue or bring it into full compliance with its obligations under the Agreement on Sanitary and Phytosanitary Measures immediately. Hungary reserves all its rights under the WTO in this regard.
