

**AUSTRALIA – MEASURES AFFECTING THE IMPORTATION OF APPLES
FROM NEW ZEALAND**

Request for Consultations by New Zealand

The following communication, dated 31 August 2007, from the delegation of New Zealand to the delegation of Australia and to the Chairman of the Dispute Settlement Body, is circulated in accordance with Article 4.4 of the DSU.

My authorities have instructed me to request consultations with Australia pursuant to Article XXII of the *General Agreement on Tariffs and Trade 1994*, Article 4 of the *Understanding on Rules and Procedures Governing the Settlement of Disputes* (DSU), and Article 11 of the *Agreement on the Application of Sanitary and Phytosanitary Measures* (SPS Agreement), concerning the measures imposed by Australia on the importation of apples from New Zealand.

On 27 March 2007, the Australian Director of Animal and Plant Quarantine determined a policy for the importation of apples from New Zealand: "Importation of apples can be permitted subject to the *Quarantine Act 1908*, and the application of phytosanitary measures as specified in the *Final import risk analysis report for apples from New Zealand*, November 2006".¹

New Zealand considers that the measures specified in and required by Australia pursuant to the *Final import risk analysis report for apples from New Zealand* are inconsistent with the obligations of Australia under the SPS Agreement, and in particular, although not limited to, its Articles 2.1, 2.2, 2.3, 5.1, 5.2, 5.3, 5.5, 5.6, 8 and Annex C.

We look forward to receiving your reply to this request and to fixing a mutually convenient date for consultations.

¹ Biosecurity Australia Policy Memorandum 2007/07, 27 March 2007.