

**INFORMATION ON OUTBREAKS OF
A/H1N1 HUMAN INFLUENZA VIRUS
ON MEXICAN TERRITORY**

Communication from Mexico

The following communication, received on 4 May 2009, is being circulated at the request of the delegation of Mexico.

1. On Thursday 23 April 2009, Mexico's Ministry of Health issued a nationwide communication warning the Mexican population of the presence of a new strain of human influenza virus named A/H1N1. Having promptly identified the epidemic, the Federal Government of Mexico stepped up its cooperation in the work already being done by the country's state and municipal governments to contain the epidemic. All (i.e. 100 per cent) of the recommendations issued by the World Health Organization (WHO) for alert phases 3 and 4 were implemented in recent days, and all those following the shift to phase 5 on 29 April have been put into effect.

2. Although the virus characteristics indicate that it includes genetic components of human and animal influenza (presence of genes from Euro-Asian swine), it is transmitted from human to human and is unrelated to Mexico's pig farming industry or that of Mexico's North American trading partners. The health status of pigs in Mexico is among the most closely supervised and recognized worldwide and there is no risk of contamination through the consumption of Mexican pork. On the contrary, Mexican pork is and will continue to be a guarantee of affordable quality, health and innocuousness.

3. Nevertheless, as a precautionary measure Mexico's Ministry of Agriculture, Livestock, Rural Development, Fisheries and Food has built up its field operations and diagnostic capacity since 2008, involving 300 field experts and the monitoring of pig farms, by following up on diagnostic reports on more than 700,000 samples analysed in 25 laboratories at national level and two national reference laboratories, in order to support the Health Ministry's epidemiological surveillance. As a result of the activities and the work carried out in the country's pig farms, we are able to announce **THE ABSENCE OF ANY OUTBREAK OF SWINE INFLUENZA.**

4. As reiterated by the World Organisation for Animal Health (OIE), the current A/H1N1 influenza virus that has affected human health has been incorrectly related to swine influenza. In this regard, both the OIE and the WHO have announced that there has been no confirmation of infection in animals in zones where human contamination has occurred. There is therefore no need to introduce specific measures for international trade in either swine or pork products, in the absence of all risk, nor is there any risk of infection among consumers of pork products. In view of the above, any restriction on trade would be inconsistent with the OIE guidelines.

5. As a confirmation of the foregoing, on 2 May 2009 the United Nations Food and Agriculture Organization (FAO), the OIE, the WHO and the World Trade Organization (WTO) jointly issued a statement that there is no evidence to date that the A/H1N1 virus is transmitted by food and that consequently there is no justification under the OIE Terrestrial Animal Health Standards Code for imposing restrictions on trade in pork or other food products originating from the zones affected by the A/H1N1 virus.

6. Mexico will continue to promote consumption of Mexican pork both inside and outside the country, since it is a healthy, nutritional product that provides employment for thousands of people and helps maintain a healthy diet for Mexican families. Mexico will also continue to apply the strictest inspection measures in all of its farms to ensure that its pig farming industry maintains the highest health standards.

7. Mexico expresses concern about various measures that some WTO Members have adopted against pork imports from Mexico, using as a reason the outbreak of A/H1N1 influenza, and considers it necessary to recall that under Articles 2, 3 and 5 of the WTO Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement) the imposition of any measure requires Members to:

- (a) Ensure that the measure is applied only to the extent necessary to protect human health or life, is based on scientific principles and is not maintained without sufficient scientific evidence;
- (b) make certain that the measure does not arbitrarily or unjustifiably discriminate between Members and is not applied in a manner which would constitute a disguised restriction on international trade;
- (c) base the measure on international standards, guidelines or recommendations;
- (d) minimize negative trade effects when determining the appropriate level of sanitary protection, and ensure that the measure is not more trade-restrictive than required, taking into account technical and economic feasibility.

8. Furthermore, Mexico deeply regrets that some Members are using the outbreak of A/H1N1 influenza as a reason to establish restrictions or bans on imports of products other than pork, and urges them to bring their measures into line with their obligations under the SPS Agreement.

9. Regardless of the foregoing, Mexico requests WTO Members to notify the Committee on Sanitary and Phytosanitary Measures of any measure imposed on imports of pork or other products originating from Mexico, in accordance with the terms of Article 7 and Annex B of the SPS Agreement, and to fully comply with the other transparency requirements laid down in this Agreement (such as allowing comments).

10. The detection of the A/H1N1 influenza virus is not a question of animal health or food safety but a human health issue. Consequently, Mexico urgently calls on all its trading partners to withdraw any restrictive measure imposed on Mexican products that is not consistent with the scientific information available and with their international obligations. Mexico obviously stands ready to provide whatever information relating to the case that may be requested by the authorities of its trading partners.
