

**IMPORTATION OF BONE-IN BEEF FROM  
THE EUROPEAN COMMUNITIES  
(G/SPS/N/ZAF/2)**

Statement made by the European Communities at the  
Meeting of 15-16 September 1998

**I. BACKGROUND**

1. On 10 February 1998, South Africa notified as G/SPS/N/ZAF/2 a measure concerning the importation of meat from the European Communities. This applies solely to the importation of chilled and frozen bone-in beef from member States of the European Communities. South Africa considers that only de-boned meat, devoid of obvious nervous and lymphatic tissue, is deemed safe with regards to BSE in countries where the disease occurs.

2. In addition, South Africa maintains that due to the free movement of animals and products in the single market and the lack of formal surveillance in some EC member States, the origin of animals and beef cannot be guaranteed and infected bones could end up in South African meat and bone meal.

3. The import restriction applies as of the 18 April 1998, notwithstanding the EC reaction at the SPS Committee meeting of 12-13 March 1998.

4. The European Communities share the concerns of South Africa to control BSE and to protect consumers, however it considers that the above rule is discriminatory, more trade restrictive than required and contrary to the obligation of South Africa under the SPS Agreement.

**II. SPECIFIC COMMENTS**

5. South Africa claims that the measure takes into account the OIE international recommendations as regards BSE, Chapter 3.2.13. The OIE Code provides for a BSE risk categorization of countries on the basis of specific parameters, which are listed in Chapter 3.2.13.1.

6. South Africa does not take into account the risk categorization provided for by the OIE and considers different countries which have never notified cases of BSE and countries where BSE is currently present as having the same health status, without taking into account the prevalence of the disease in a given country. The relevant section of the OIE Code allows for trade in ruminants and ruminant products from countries where BSE exists, providing that certain conditions are met. Especially, Article 3.2.13.8 recommends a ban on meat on the bone for high incidence countries or zones only, while South Africa applies such a ban on all EC member States. In the light of the above, South Africa apparently fails to comply with Article 6 of the SPS Agreement, requiring Members to take into account, *inter alia*, the level of prevalence of a specific disease, the existence of control and eradication programmes and the relevant guidelines developed by international organizations.

7. The measure applies to the European Communities as a whole, other WTO Members are not directly concerned. The European Communities believe this to be highly discriminatory and therefore in breach of Article 2(3), where Members are required not to arbitrary or unjustifiably discriminate between Members where identical or similar conditions prevail.

8. South Africa claims that the measure is necessary due to the potential infectivity of bone marrow. The most recent studies indicate bone marrow as a low infective material, and only in animals over 30 months of age. Therefore, a policy based on the above-mentioned findings would eventually focus on meat of animals over that age. However, infectivity of bone marrow has never been detected in naturally infected bovines. The European Communities are unaware of any new research findings concerning bone marrow infectivity that justify a ban across-the-board of meat on the bone, and would welcome any further scientific information that led South Africa to ban bone-in beef from the all European Communities, notwithstanding the health status.

9. South Africa claims that one of the reasons for the restriction are the "soft borders" between EC member States and the "inadequate surveillance" carried out by EC members States. The European Communities regret that illegal exports of UK meat took place at a certain stage, however this can be regarded as an isolated illegal incident against which the European Communities have taken specific actions, in order to prevent it from happening in the future. The European Communities would appreciate receiving the information which led South Africa to the conclusions that controls within the European Communities are not sufficient in order to guarantee the safety of consumers.

10. In addition, the European Communities wish to remind South Africa of Commission Decision 98/272/EC on epidemio-surveillance for transmissible spongiform encephalopathies. It requires EC member States to notify the suspected presence of any Transmissible Spongiform Encephalopathy in any animal, to place suspected animals under official movement restrictions and to carry out an annual programme of monitoring.

11. South Africa did not enforce a ban on the importation of meat and bone meal and in this respect it apparently follows the OIE recommendations, placing on the exporting country the onus of enforcing a feed ban (ruminant to ruminant). Though this is more than welcome by the European Communities, it appears that South Africa is not consistent in its BSE policy across the board. In fact, here both scientific advice and the OIE recommendations as regards BSE and risk categorization are apparently taken into account.

12. Information on the general as well as specific BSE policy, on the rationale behind it and the criteria followed, would be therefore very much appreciated.

### **III. CONCLUSIONS**

13. The European Communities look forward to developing discussion with South Africa and invite it to review and modify the relevant measure in order to ensure that it is based on available scientific advice, existing international recommendations and that it properly takes into account the specific information submitted by the exporting countries directly concerned.

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