

**SUSPENSION OF INSPECTION AND DELIVERY OF PLANT AND ANIMAL  
HEALTH CERTIFICATES FOR IMPORTS FROM COLOMBIA  
BY THE BOLIVARIAN REPUBLIC OF VENEZUELA**

Statement by Colombia at the meeting held on  
28 and 29 October 2009

The following communication, received on 28 October 2009, is being circulated at the request of the delegation of Colombia.

**I. DESCRIPTION OF MEASURE**

1. The People's Ministry of Agriculture and Land of Venezuela, acting through the National Institute of Comprehensive Agricultural Health (INSAI (formerly SASA)), has suspended the inspection of and delivery of plant and animal health inspection certificates for plant and animal products and by-products originating in Colombia.
2. The measure entered into effect on Wednesday 15 October and health inspectors at the San Antonio and Ureña control points were duly informed through official communication P-1018 of 14 October 2009, issued by INSAI's National Directorate of Comprehensive Plant Health.
3. This was openly confirmed by Minister for Food, Félix Osorio, in a statement on 23 October to the newspaper *El Universal*: "We are no longer going to grant permits for any goods from Colombia. In September and October no licences were issued, and no authorization will be given for the rest of this year".
4. Likewise, the permit to import the product Ledromin was denied in a written communication dated 12 August, stating that "such applications are being rejected pursuant to the decision taken on 5 August 2009 by the Citizen President in a press conference broadcast by Venezolana de Televisión and circulated in the national media, announcing the suspension of all imports from Colombia".

**II. VIOLATIONS OF THE WTO SPS AGREEMENT**

5. The measures adopted by the Bolivarian Republic of Venezuela are in flagrant violation of the basic provisions of the WTO Agreement on the Application of Sanitary and Phytosanitary Measures, and of Article 2 (Basic Rights and Obligations), Annex B (Transparency) and Article 13 (Implementation) in particular.
6. In accordance with Article 2, "Members shall ensure that any sanitary or phytosanitary measure is applied only to the extent necessary to protect human, animal or plant life or health [and] is based on scientific principles". They are also to ensure that their sanitary and phytosanitary measures

do not arbitrarily or unjustifiably discriminate between Members and that such sanitary and phytosanitary measures are not applied in a manner which would constitute a disguised restriction on international trade.

7. Annex B, entitled "Transparency of Sanitary and Phytosanitary Regulations", stipulates that Members are to ensure that all sanitary and phytosanitary regulations which have been adopted are published promptly in such a manner as to enable interested Members to become acquainted with them and that, except in urgent circumstances, Members are to allow a reasonable interval between the publication of a sanitary or phytosanitary regulation and its entry into force in order to allow time for producers in exporting Members, and particularly in developing country Members, to adapt their products and methods of production to the requirements of the importing Member.

8. Article 13 specifies that Members are not to take measures which have the effect of, directly or indirectly, requiring or encouraging local governmental bodies to act in a manner inconsistent with the provisions of the SPS Agreement.

### III. ESTIMATED IMPACT OF THE MEASURES ON BILATERAL TRADE

9. Venezuela's measure restricts access for practically all of Colombia's agricultural export products, which require sanitary authorization as a prerequisite for import into Venezuela.

10. The Colombian exports listed in Table No. 1 that are reportedly affected according to preliminary calculations account for 17 per cent (US\$1,030 million) of exports to Venezuela in 2008 (US\$6,091 million) and 28 per cent (US\$909 million) of cumulative exports from January to August 2009 (US\$3,283 million). The affected products include meat, live cattle, bovine embryos and semen, fruit and vegetables, avian genetic material (chicks), eggs and poultry meat, cigarettes, animal feed, coffee, and products of the milling industry.

Sectors	2007	2008	Variation	2009-August
Meat	339.2	759.7	124%	840.1
Bovine embryos and semen	71.7	103.8	45%	14.0
Vegetables	89.4	82.0	-8%	24.2
Eggs	10.7	40.1	274%	6.6
Live cattle and horses	117.4	13.7	-88%	6.6
Chicken	4.3	9.7	126%	7.8
Animal feed	7.2	7.9	9%	5.5
Seeds	2.1	3.7	74%	0.9
Cigarettes and tobacco	2.1	2.7	25%	0.9
Coffee, tea, spices	2.2	2.6	17%	0.0
Cereals	4.0	2.4	-41%	1.8
Products of the milling industry	0.9	1.0	12%	0.0
Other plant materials	1.3	0.5	-59%	0.0
Fruit	0.9	0.4	-53%	0.0
Flowers	0.2	0.1	-52%	0.0
Oils	0.1	0.0	-100%	0.1
Swine	0.3	0.0	-100%	0.0
<b>Subtotal agricultural sector</b>	<b>654.3</b>	<b>1,030.3</b>	<b>57%</b>	<b>908.5</b>

Sectors	2007	2008	Variation	2009-August
Chemicals	0.1	0.0	-100%	0
Timber	0.0	0.0	-	0
<b>Subtotal other sectors</b>	<b>0.1</b>	<b>0.0</b>	<b>-47%</b>	<b>0.0</b>
<b>Total products affected by the measure</b>	<b>654.4</b>	<b>1,030.4</b>	<b>57%</b>	<b>908.5</b>

#### IV. REQUEST FOR THE LIFTING OF RESTRICTIONS IMPOSED

11. Colombia considers that there is no evidence that the action taken by the Bolivarian Republic of Venezuela constitutes an emergency measure, because at no time has any relevant scientific evidence been provided pursuant to Article 5.7 of the WTO SPS Agreement. Consequently, the sanitary measures in question constitute undue and unjustified barriers to trade.

12. Furthermore, Colombia submits that the plant and animal health measures adopted by the Bolivarian Republic of Venezuela were not communicated in a timely fashion through the official channels, nor were they notified to the WTO via enquiry points, as prescribed by the transparency provisions in paragraph 5 of Annex B.

13. In view of the foregoing, Colombia requests the Bolivarian Republic of Venezuela to lift the suspension and to deliver the plant and animal health certificates for imports from Colombia, in compliance with its commitments under the SPS Agreement.