

REPLY TO A CONSULTATION BY THE UNITED STATES
CONCERNING PHYTOSANITARY REQUIREMENTS
FOR WHEAT AND FRUIT

Statement Made by Chile at the Meeting of
19-20 March 1997

One of Chile's highest priorities over the years has been to protect the health of its forests and agricultural sector. To that end it has effected large-scale investments and has gone a far way in safeguarding and enhancing its achievements in that regard.

Furthermore, Chile has endeavoured to comply meticulously with the Agreement on the Application of Sanitary and Phytosanitary Measures of the World Trade Organization by establishing sanitary requirements on a scientific basis and using risk analysis methods, thus making it possible to determine at all times the acceptable level of risk as an importing country and to provide security and assurance as an exporting country.

We will now deal with the specific points raised by the delegation of the United States. The background material referred to comes from the last meeting held in Santiago between the Agricultural and Livestock Service, Ministry of Agriculture (SAG) and the representation of the US Department of Agriculture/Animal and Plant Health Inspection Service (USDA/APHIS) in Chile, on 10 February 1997.

I. WHEAT

In March 1996, the United States reported the presence of the fungus Karnal bunt (*Tilletia indica*). Considering that for Chile this is an A.1 quarantine pest (not present in the country), USDA was requested to certify consignments as pest-free, which would make it possible to continue exporting wheat from the United States to Chile.

At that time USDA indicated that it could not certify consignments as being free of the fungus but could only certify that the wheat came from an area in which Karnal bunt has not been known to occur.

In the light of surveys carried out by USDA in 1996 and based on the new information available, Chile imposed the condition, in February this year, that wheat imports may be shipped from the United States north-west (the states of Oregon and Washington) only if the wheat comes from states found to be free of the fungus and is accompanied by certificates of laboratory tests conducted by private entities approved by USDA that the fungus is not present.

At the above-mentioned meeting, the USDA/APHIS representation in Chile accepted the conditions laid down by SAG, and further undertook to report any changes in the geographical distribution of the fungus on its territory.

It is important to point out that the United States has not asked Chile to recognise areas free of the Karnal bunt fungus.

II. FRUIT

The United States USDA asked SAG in Chile to state the import requirements in regard to a list of fruits from the United States drawn up by USDA itself.

The fruits concerned are lemons (California), grapefruit (California), Kiwi (California), raspberries (from all states), apples and pears (California, Washington and Oregon), grapes (California) and oranges (California).

For each request the relevant risk analysis had to be carried out, and these were done as USDA supplied the relevant information.

Furthermore, USDA requested that the state of California be recognized as free of the fruit fly (*Ceratitis capitata* and *Anastrepha fraterculus*), and after the pertinent analysis and a visit by experts, SAG recognized the status of pest-free area. As a result of the last meeting with the aforementioned technical services, it was agreed that SAG would submit a Fruit Fly Detection Protocol and Emergency Plan for study by USDA. The Protocol and its accompanying Plan will be made available shortly.

These developments will facilitate import procedures for the products listed by the United States. Accordingly, the following products will benefit once the fruit fly Protocol is implemented: kiwis and grapes will require a single inspection; apples and pears will have to undergo an additional cold treatment for *Ragoletis pomonella*; for lemons and grapefruits there must be a system of periodic reporting on the status of the bacteria that cause citrus canker; as regards oranges, APHIS will supply information concerning mitigatory measures to control the *Amyelois transitella* insect. These pests are of quarantine concern to Chile, and the conditions have therefore been drawn up with the appropriate scientific justification and in keeping with the guidelines of the WTO Agreement on the Application of Sanitary and Phytosanitary Measures.

As regards raspberries, imports are authorized from all states in the United States on the sole condition that they are inspected.

III. GENERAL CONCLUSIONS

In regard to the specific issue raised by the United States expressing concern over the restrictions being applied by Chile to wheat and fruit imports and stating that Chile has neither recognized the concept of pest-free areas nor used other relevant international phytosanitary guidelines, Chile states the following:

Pest and disease-free zones

- As regards wheat, the United States has not requested Chile to recognize areas free of the *Tilletia indica*.
- As regards fruit, the United States did request Chile to recognize the state of California as an area free of the fruit flies mentioned. After risk analyses and a visit by experts, Chile recognized California as a pest-free area.

The foregoing illustrates compliance with Article 6 of the WTO Agreement on the Application of Sanitary and Phytosanitary Measures, concerning adaptation to regional conditions.

Use of other relevant international phytosanitary guidelines

The United States did not indicate exactly the other international phytosanitary guidelines to which it was referring. Nevertheless, as emerges from the background material under reference, Chile has carried out risk analyses in a dynamic manner, updating them as information was received from USDA. This was done on solid bases and with scientific justification, in keeping with the international regulations deriving from the International Plant Protection Convention (IPPC) of the FAO and pursuant to the guidelines of the Agreement on the Application of Sanitary and Phytosanitary Measures of WTO. With reference to this latter Agreement, Chile has acted in pursuance of Article 2 (Basic Rights and Obligations), Article 3 (Harmonization) and Article 5 (Assessment of Risk and Determination of the Appropriate Level of Sanitary or Phytosanitary Protection).

IV. SUGGESTED PROCEDURE FOR SANITARY AND PHYTOSANITARY CONSULTATIONS

Finally, it should be pointed out that progress and follow-up are possible through the official technical services of both countries, as was the case in past years. Nevertheless, in 1995 USDA/APHIS unilaterally decided to discontinue the annual technical meetings of the official health services of both countries, although they would have made it possible to clear up directly the concerns raised.

The Chilean technical authorities are prepared to resume these bilateral technical meetings in order to achieve clarity and move ahead in the direction indicated by the Agreement on the Application of Sanitary and Phytosanitary Measures of the WTO.