

Original: English

TURKEY – IMPORT BAN ON PET FOOD FROM HUNGARY

Request for Consultations by Hungary

The following communication, dated 3 May 2002, from the Permanent Mission of Hungary to the Permanent Mission of Turkey 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 the Government of Turkey pursuant to Articles 1 and 4 of the Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU), Article XXIII of the General Agreement on Tariffs and Trade 1994 (GATT 1994), Article 11 of the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement) and Article 19 of the Agreement on Agriculture, with respect to restrictions imposed by Turkey on imports of pet food from Hungary.

From the beginning of 2001, Turkey has applied a ban on import of pet food from any European countries with the declared intention to be protected against the spread of BSE (Bovine Spongiform Encephalopathy). Since Hungary is a BSE-free country, the danger of alleged cross-infection does not seem to have any scientific basis, not to mention the fact that the products in question are used exclusively for the feeding of cats and dogs. It is even less clear that how the alleged risk of BSE might justify the import ban of products made of animals other than ruminants. Thus there is a basic question concerning the scientific justification of the import ban for Hungarian products. It has to be emphasized furthermore that there was neither official publication of the Turkish regulation, nor notification of it to the relevant WTO Committee.

Since the Turkish authorities have not solved this issue in the context of our bilateral relations, the Hungarian authorities were compelled to resort to multilateral procedures and requested the putting of this topic on the agenda of the twenty-third regular meeting of the SPS Committee. The Turkish authorities did not give answers to the specific questions raised by Hungary at that meeting. In the course of subsequent bilateral contacts it became clear that the Turkish authorities are not ready to solve the complaint of Hungary.

Turkey's measure appears to be inconsistent with the obligations of Turkey under Article XI of GATT 1994, Articles 2.2, 2.3, 5.1, 5.2, 5.6, 6.1, 6.2 and 7 and Annex B of the SPS Agreement, and Article 14 of the Agreement on Agriculture. Turkey's measure also appears to nullify or impair the benefits accruing to Hungary directly or indirectly under the cited agreements.

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