

NON-AUTOMATIC LICENCES FOR THE IMPORTATION OF EGGS¹

Replies by Guatemala to Questions posed by Mexico²

The following communication, dated 25 June 2007, is being circulated at the request of the delegation of Guatemala.

As the Members of the Committee on Import Licensing are already well aware, in the agenda of the meeting of the Committee on 15 June 2005³ Mexico submitted questions to Guatemala with regard to the "importation of eggs".

Guatemala replied to the questions posed by Mexico, which, at the Committee's meeting on 30 October 2006, submitted further questions on the subject.⁴ Following a number of consultations between the respective Missions in Geneva and the experts in the capitals, we are providing herein the replies of the Government of Guatemala to the questions posed by Mexico at that meeting of the Committee.

1. *Article 1 of Guatemala's Ministerial Decision (Acuerdo Ministerial) 1090-2001 refers to "the statutory import requirements laid down by the competent departments". What are these requirements in the case of eggs (subheading 040700)? Please provide an exhaustive list of these requirements?*

Ministerial Decision 1090 concerns the requirements established by the Ministry of Agriculture. The subheading in question (040700) refers to "birds' eggs, fresh, preserved or cooked": in the case of fresh eggs it is the Ministry of Agriculture, Livestock and Food (MAGA) which issues the animal health authorization, while in the case of preserved or cooked eggs the Ministry of Public Health and Social Security (MSPAS) issues the licence, but MAGA has to provide an animal health certificate in conformity with Article 66 of the Regulations on Food Safety (Government Decision 969-99).

2. *According to Mexican egg exporters, Guatemala has a National Poultry Farming Commission. Can Guatemala confirm that this is the case?*

The National Avian Farming Technical Commission, as its duties and responsibilities make clear, has solely an advisory, consultative and deliberative function under the Avian Health Programme (PROSA), with a view to the coordination of campaigns and programmes. At no time

¹ Document G/LIC/4

² See documents G/LIC/M/24 and G/LIC/Q/GTM/2

³ Document G/LIC/M/21

⁴ See documents G/LIC/M/24 and G/LIC/Q/GTM/2

does this Commission have anything to do with the authorization of products or by-products of avian origin.

The only authority with power to authorize such imports is the Standards and Regulations Unit through the Plant and Animal Health Department. In addition, the Regulations implementing the Law on Plant Protection and Animal Health (Government Decision No. 745-99) lay down the procedures for the importation of plant and animal products and by-products.

The transparency of the import requirements and the products that are allowed to enter the country can be seen by consulting the online programme at the following address: <http://portal.maga.gob.gt/vudi-web/>, which any person or entity interested in importing products into the country may consult under the heading "*Asistencia al Público*" and the system automatically issues a preliminary authorization without any intervention or decision by any Commission.

3. *If this is so, who are its members and what are its powers?*

The National Avian Technical Commission was established by Ministerial Decision No. 1585 of 2003; it has no power to intervene in the authorization of products entering the country. It has specific functions in the coordination of programmes and campaigns for the control and eradication of diseases.

ARTICLE 1. The National Avian Technical Commission is hereby established, to be known henceforth for the purposes of this Decision as the Commission, as a consultative, deliberative and advisory body to assist the National Poultry Farming Council, established by Ministerial Agreement 52592-99, and the Avian Health Programme of the Ministry of Agriculture, Livestock and Food.

ARTICLE 2. Membership of the Commission shall be as follows:

- (a) The head of the Plant and Animal Health Department of the Standards and Regulations Unit or his/her equivalent, who will act as Chairman;
- (b) a representative of the College of Veterinary Surgeons and Livestock Specialists, who will act as Vice-Chairman;
- (c) a representative of the National Poultry Farmers' Association, who will act as Secretary;
- (d) a representative of the Department of Avian Pathology of the Faculty of Veterinary Medicine and Animal Husbandry of the University of San Carlos of Guatemala, who will act as Pro-Secretary;
- (e) a representative of the Animal Health Sub-Department for Epidemiological Surveillance of the Standards and Regulations Unit or his/her equivalent, as an ordinary member;
- (f) the head of the Avian Health Programme, as an ordinary member;
- (g) a delegate from the International Regional Organization for Plant and Animal Health (OIRSA), who will attend as advisor.

The Commission may invite any person or body that it considers necessary for the analysis of specific topics.

Each member of the Commission shall have a alternate chosen by the same authority or institution to which the regular member belongs.

ARTICLE 3. The Commission shall have the following functions:

- (a) To provide advice to the Standards and Regulations Unit, as the body responsible for directing and implementing the Avian Health Programme, and to the National Poultry Farming Council with regard to avian health;
- (b) to act as a consultative body concerning the activities and standards that it is proposed to implement with regard to poultry management;
- (c) to propose to the Standards and Regulations Unit, as the body responsible for directing and implementing the Avian Health Programme, and/or to the National Poultry Farming Council, activities that the production sectors wish to implement in conjunction with the Ministry of Agriculture, Livestock and Food;
- (d) to propose to the National Poultry Farming Council or to the Standards and Regulations Unit, as the body responsible for directing and implementing the Avian Health Programme, projects, agreements or the contracting of activities and/or services that may be implemented by national or international bodies;
- (e) to provide any other advice and be available for consultation within the Commission's field of competence.

4. *Could Guatemala confirm whether the Commission's powers include that of issuing licences for the import of eggs and, more specifically, the power to issue "operating licences for the import of eggs" or licences of another class, the granting of which is governed not exclusively by sanitary criteria?*

The Commission does NOT issue licences for the import of eggs; that is solely the responsibility of the Ministry of Agriculture through the Standards and Regulations Unit. As has already been pointed out above, the Commission ONLY has advisory powers with regard to the programmes for the control and eradication of diseases.

We repeat that it is the Ministry of Agriculture, Livestock and Food which has the power to ISSUE IMPORT LICENCES AND ANIMAL HEALTH AUTHORIZATION in conformity with the Law on Plant and Animal Health, Decree 36-98, this being exclusively the responsibility of MAGA through the Standards and Regulations Unit.
