

**QUARANTINE AND TESTING PROCEDURES APPLIED TO SALMON
IMPORTED FROM NORWAY - QUESTIONS TO CHINA**

Communication from Norway

The following communication, received on 16 June 2011, is being circulated at the request of the Delegation of Norway.

1. The importation of Norwegian fresh salmon into China has dropped significantly due to the testing and quarantine procedures that were implemented on 13 December 2010. These were followed by the strengthened inspection and quarantine procedures as stated in Notice No. 9 2011 issued on 20 January 2011, under the authority of the General Administration of Quality Supervision, Inspection and Quarantine of the People's Republic of China. It is our understanding that these are SPS measures and are covered by WTO Member country commitments under the WTO Agreement on the Application of Sanitary and Phytosanitary Measures ("SPS Agreement"). Norway would like to solicit information from China in order to rectify this situation.

2. We would kindly request China to assist us in understanding the scientific evidence which justifies these procedures. What are the results of the tests conducted in the search for such evidence, where have these tests been conducted and what are the Chinese tolerance levels for the substances found, and how do these procedures comply with the SPS Agreement?

3. Furthermore, Norway is concerned about the strengthened inspection and quarantine procedures as stated in Notice No. 9 2011 issued on 20 January 2011. We understand this Notice to be in addition to the procedure dating from 13 December 2010. Are Norwegian imports of salmon treated and tested according to the procedures in Notice No. 9 in addition to the procedures dating from 13 December?

4. Notice No. 9 2011 is implemented to safeguard consumers in China. Could information be provided on which deficiencies have been identified, the methods used, the levels documented and the corresponding tolerance levels?

5. Notice No. 9 2011 states that the on-site testing for iced fresh salmon will be strengthened. What are the implications? Which tests will be performed, what does on-site testing imply, what is the time frame involved, will all shipments be tested, what will be the consequences for trade in fresh-iced salmon and how will these trade restrictions be minimized?

6. Norway fully recognizes the right of nations to take sanitary and phytosanitary measures necessary for the protection of human, animal or plant life or health under the SPS Agreement, provided that such measures are not inconsistent with the provisions of the Agreement.

7. Norway invites China to provide an explanation of how these new measures are compliant with the SPS Agreement in general and specifically with regard to the following articles and annex:

- Article 2.2 which states that any SPS-measure is applied only to the extent necessary to protect human, animal or plant life or health and is based on scientific principles;
- Article 5.1 which states that Members shall ensure that the SPS-measures are based on an assessment of the risks to life or health, taking into account risk assessment techniques and Article 5.4 which states that the appropriate level of protection should take into account the objective of minimizing negative trade effects;
- Annex C, paragraph 1(e), that states that any requirement for control, inspection and approval of individual specimens of a product are limited to what is reasonable and necessary.

8. Norway would also invite China to inform us regarding the standard processing period of this new procedure in line with the obligations under Annex C, paragraph 1(b) of the Agreement.

9. Norway as well urges China to comply with the notification procedures under the SPS Agreement and to notify the measures implemented on 13 December 2010, as well as Notice No. 9 2011, to the WTO.
