

**SLOVAK RESTRICTIONS ON IMPORTS OF POTATOES AND FRUITS FROM POLAND**

Response from the Slovak Republic to the Statement by Poland at the  
meeting of 10-11 November 1999

1. We would like to thank the distinguished representative of Poland for her statement. My delegation listened very carefully and would like to respond to this statement in a detailed way. At the outset we have to express our deep regret and disappointment with the overall approach of the Polish delegation. This is not the first time that Poland has decided to reopen this issue at a formal meeting of the SPS Committee without any prior attempt to discuss this issue at the more appropriate expert level. We believe that this approach goes against the spirit of solving this issue in good faith, as well as against the spirit of cooperation between Members.
2. Since, in our opinion, the Polish statement does not correctly reflect the status quo, allow me Mr. Chairman to present our position with the aim of correcting the overall picture. I would like first to give a brief genesis of this issue.
3. The Slovak Republic is free from occurrence of the potato quarantine bacterial diseases *Clavibacter michiganensis*, ssp. *sepedonicus* (CMS) and *Ralstonia solanacearum*. This fact has been published by the EPPO reporting service. In addition, the Slovak territory is also free from occurrence of the Potato Spindle Tuber Viroid (PSTV). All of the territory of the Slovak Republic enjoys a status of pest-free area with respect to the above-mentioned diseases. In order to preserve this status, the Slovak phytosanitary authorities conduct a rigorous surveillance on regular basis, pursuant to the FAO ISPM guidelines for surveillance No. 6, and also regular tests of all consignments from domestic producers as well as all imports from foreign countries, pursuant to the guidelines of EPPO.
4. Potato production is a traditional agricultural production in the Slovak Republic, but domestic production does not fully satisfy annual Slovak consumption and therefore the Slovak Republic imports potatoes. Taking into account rapid changes in the overall situation of the dissemination of these diseases in Europe in the years 1995-97, the Slovak phytosanitary authorities carefully monitored developments in this area. Introduction of these diseases into the Slovak territory would damage the pest-free status of the Slovak Republic and consequently would cause high economic losses to our domestic producers, as well as additional financial costs for the control and eradication of these diseases. In order avoid introduction of the above-mentioned diseases to its territory through imports of potatoes, in 1997 the Slovak phytosanitary authorities introduced a phytosanitary measure regulating imports of potatoes, which has been notified to the WTO. Following discussions with our trading partners, we accepted their comments and consequently modified this measure.
5. In order to provide more a complex solution to the issue of protection of the Slovak Republic from introduction of quarantine potato diseases, my authorities carried out a Pest Risk Analysis (PRA) of the Slovak Republic, in accordance with the Pest Assessment Scheme (document 97/6239 of the EPPO). The results of this PRA have been reflected in Decree No. 2785/1998-100 of the Ministry of

Agriculture “on phytosanitary conditions for import, export and transit of plant, plant products and other objects that may transfer harmful organisms”, which was adopted on 27 January 1999 and which stated that these condition would apply as of 1 March 1999. The conditions for imports of potatoes are specified in its Annexes 11 and 12. This Decree has been published in the official Journal of the Ministry of Agriculture and information on the adoption of this Decree has also been notified to the EPPO, which distributed this information to its member countries. Poland is a member country of the EPPO. This Decree has been notified to the WTO and circulated as a WTO document (G/SPS/N/SVK/15).

6. After these more general points, my delegation would like to address some specific parts of the Polish statement:

(1) With respect to the WTO notification, we have to admit that notification to the WTO due to domestic technical reasons was made and circulated only in July 1999. My authorities have undertaken the necessary steps to avoid this situation in the future. Nevertheless, as we clearly indicated above, my authorities did not hide this legislation from our trading partners.

(2) In the light of the explanations provided in previous parts of our statement, my delegation strongly objects to the allegation by Poland and use of terms such as "frequently, on a day-to-day basis change" or "periodically tamper with import requirements" which are completely unjustified and misleading.

(3) I would like to stress that occurrence of the above-mentioned potato quarantine diseases (CMS and PSTV) has been officially recorded on Polish territory and Poland has confirmed this fact. This having been said, it is our understanding that as a logical step to preserve the pest-free area status of our territory, my authorities may request that all imports should meet specific quarantine requirements, in full accordance with the provisions of the SPS Agreement (particularly Articles 2 and 5). These requirements are contained in the above-mentioned Decree. In this context, imports of Polish potatoes as well as imports of potatoes from any other country have to meet the requirements stipulated in this Decree. We would like to reiterate that these are clearly phytosanitary requirements applied in a non-discriminatory manner to all importers. Therefore we refuse allegations that our legislation creates unjustified obstacles to trade.

(4) At the last bilateral consultations with Polish experts, which took place before the July meeting of the SPS Committee, my delegation explained in some length the rationale leading to adoption of the Slovak legislation and the steps my authorities undertook to ensure that our trading partners were informed about this new legislation. We provided Poland with a written copy of the PRA. We also pointed out our concerns regarding transparency in the Polish production and surveillance system, since there have been documented interceptions of Polish consignments by several EPPO countries in relation to CMS. Following this bilateral meeting, my authorities also replied to the Polish standpoint in written form. It has been our understanding that Poland will study these replies and further bilateral consultations at the expert level will take place if the need arises. Until today's meeting, my authorities had not received any further questions nor a request for expert consultations.

(5) One part of the statement of Poland also addresses the issue of phytosanitary requirements for importation of fruits. Let me briefly reiterate the position of my delegation, which we have stated at previous meetings of the SPS Committee: there has been an officially recorded occurrence of *Erwinia amylovora* on Polish territory. Slovak territory is free from occurrence of *Erwinia amylovora* and it is the intention of my authorities to preserve this status and to prevent introduction of this quarantine pest, which would imply high economic losses to domestic producers as well as considerable additional costs for

control and eradication of this pest. All imports of apples, pears and quinces are therefore subject to phytosanitary requirements. These requirements are fully in compliance with the relevant provisions of the SPS Agreement (Articles 3.3, 5.7 and Annex A, paragraph 5). If the Polish delegation has obtained any new information relevant to this issue, my authorities are prepared to study this information and to continue in dialogue with the Polish authorities.

(6) With respect to the reference in the Polish statement to the last meeting of the Vice-Ministers of Agriculture of Poland and the Slovak Republic, I would like to clarify that this meeting took place in order to discuss a broad range of bilateral trade issues, among which phytosanitary issues had been also been raised. My authorities are currently finalizing written comments to some issues discussed at this meeting.

7. Given the importance of the issues in question, my authorities have given very serious consideration to the concerns of Poland and approached bilateral discussion with the aim of finding a common understanding. We respect the decision of Poland to pursue this bilateral issue also in this multilateral forum, nevertheless we have to express our regret that Poland did not fully utilize existing bilateral possibilities. My authorities understand Polish export interests but at the same time the justified phytosanitary concerns of the Slovak Republic should be respected as well.

---