

**REPLIES BY HONDURAS TO QUESTIONS POSED BY COSTA RICA**

Statement by Honduras at the Meeting on 7-8 November 2002

**1. The Government of Costa Rica requests the Government of Honduras to explain how the measure notified in document G/SPS/N/HND/3 is consistent with the provisions of the WTO Agreement on the Application of Sanitary and Phytosanitary Measures (SPS) Agreement and international standards recognized by the Organization for the sanitary control of animal products.**

In document G/SPS/N/HND/3, Honduras informed the international community of its Programme for the Prevention, Control and Eradication of Avian Diseases, the aim of which was: "To declare Honduras a country free of the following diseases: Newcastle Disease, Avian Influenza Disease, Avian Laryngotracheitis Disease and Pullorum-Typhoid Disease", notifying the legal, administrative, technical and scientific instruments for a consistent, credible, systematic and constant programme and at the same time, a strengthening of epidemiological control of the avian species. In that document, we communicated to our trading partners the following: "Only poultry, products and by-products thereof, from countries with equivalent legally-established animal health programmes for the prevention, control and eradication of avian diseases may be imported and the exporting country must be able to guarantee that its farms are free of Newcastle disease and avian Salmonellosis (*S. gallinarum* and *S. pullorum*) and that the country is free of avian influenza and avian infectious laryngotracheitis".

This shows that the document in question is a notification that Honduras will start a campaign to prevent, control and eradicate those avian diseases, which is our country's right and obligation under SPS Agreement Article 7, relating to transparency, and Annex B.1, which states that "Members shall ensure that all sanitary and phytosanitary regulations which have been adopted are published promptly in such a manner as to enable interested Members to become acquainted with them".

Later, once Honduras has succeeded, through the programme for the prevention, control and eradication of avian diseases, and has technically and scientifically maintained its status as a country free from the four diseases mentioned, it will notify its situation as such a country, and the description in this regard is found in Information Bulletin No. 6 of the International Organization of Epizootics (OIE).

This declaration was sent to all member countries directly through the National Agricultural Health Service of the Ministry of Agriculture and Livestock, with the relevant technical and scientific information papers, with a request for countries to come to Honduras to conduct the requisite inspections to verify that status. Those countries included Costa Rica, which said nothing, despite repeated notes in this connection.

At the present time, Honduras, as a free country is requesting relevant information to enable it to maintain its health level and logically cut down the risks from imports. Costa Rica has not been able to establish an equivalence in the procedures for the prevention, control and eradication of its

avian diseases and we are also faced with the problem that we are not allowed to conduct a tour of inspection to verify certain sanitary procedures that Costa Rica's official health authorities say they have carried out.

**2. The Government of Costa Rica requests the Government of Honduras to provide scientific evidence showing that the measure, which is restricting poultry meat imports from Costa Rica, is the least trade-restrictive measure necessary to ensure the protection of avian health in Honduras and therefore does not constitute an unnecessary and disguised barrier to trade, in accordance with WTO disciplines.**

Again, we would reiterate that Honduras has on a number of occasions called on Costa Rica to provide the technical and scientific documents to prove its poultry health situation, and it has not presented them nor does it permit an on-site inspection of its companies, as specified in Article 6 of the Agreement. In these circumstances, no transparency has been displayed in the technical procedures Costa Rica has used and, on the basis of our present sanitary status, we are producing evidence that Costa Rica has not proved its real sanitary status regarding the diseases from which Honduras has declared that it is free. Accordingly, Costa Rica cannot officially certify its present sanitary situation. Moreover, not allowing on-site verification is a hindrance to risk assessment. In this case, it is not possible to trust the veracity of a country that is not transparent in its technical and scientific documentation.

**3. In particular, the scientific evidence which the Government of Honduras is requested to provide must include evidence showing that the diseases avian infectious laryngotracheitis and avian salmonellosis can be introduced through the trade in poultry meat from Costa Rica, in as much as the International Office of Epizootics (OIE) does not require these diseases to be subject to sanitary control for the purpose of authorizing international trade in poultry meat.**

We confirm that our procedures have at all times complied with the WTO Agreement on the Application of Sanitary and Phytosanitary Measures, on the basis of the present poultry health situation in Honduras; that a request for information has been made to the Costa Rican sanitary authority, which has not answered; that we cannot discount the possibility of cross contamination at any production phase; and furthermore, that we do not know its sanitary status for the four diseases from which Honduras is free, something we are unable to verify as we are not allowed to conduct an on-site inspection.

Honduras is entitled to ask its trading partners about their sanitary situation, above all for those diseases which are not native to our country. Our status as a free country is published in Information Bulletin No. 6 of the International Organization of Epizootics (OIE). As for avian infectious laryngotracheitis, pullorum and typhoid, the fact that the OIE does not require a sanitary control to authorize international trade in poultry meat does not mean Honduras is not entitled to introduce control measures to preserve its present sanitary status.

Moreover, Honduras has always been ready for any country to come and ascertain its sanitary status.

**4. The Government of Costa Rica requests the Government of Honduras to show that the restriction imposed on the entry of its products has been applied on the same terms to imports from other trading partners with similar sanitary conditions, in accordance with the principles of non-discrimination and most-favoured-nation treatment established by the WTO in the SPS Agreement. This implies that the Government of Honduras has authorized imports of poultry meat only from countries that have declared free of the four avian diseases.**

In accordance with the present sanitary status in Honduras, imports of fresh poultry products will be permitted only from those countries which can demonstrate that they have an equivalent sanitary status or that they have access on regional conditions pursuant to the WTO SPS Agreement.

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