

**AUSTRALIA – MEASURES AFFECTING IMPORTATION OF SALMON**

Report of the Panel

Corrigendum

The cross references highlighted in the paragraphs below were inadvertently deleted from the report:

7.6 Following Australia's more detailed objections to take into account evidence submitted by Canada after the 7 October 1997 deadline we imposed, we modified paragraph 8.4 and added paragraph 8.5.

7.7 Canada requested us to review our finding in paragraph 8.20 that steelhead/rainbow trout falls outside our terms of reference because, Canada submitted, the measure subject to the terms of reference applies to all salmonids, not only to salmon. Canada further indicated that some debate exists as to whether steelhead/rainbow trout is a salmon or only a salmonid and that practice in North America considers it to be a salmon. We recall that in paragraph 8.20 we stated that "steelhead/rainbow trout ... is - according to the experts advising the Panel on this issue - not a "salmon" species but only part of the wider "salmonid" family".

8.17 The 1996 Decision is a decision taken by the Director of Quarantine on the basis of the authority delegated to him by QP86A. Following a recommendation of the Chief Veterinary Officer "that the status quo for quarantine policies for uncooked salmon products continue", it explicitly states that the "importation of uncooked, adult, wild, ocean-caught Pacific salmonid product from the Pacific rim of North America should not be permitted on quarantine grounds". It thus confirms the general prohibition in principle imposed by QP86A on the importation of all salmonid products (unless special authorization is granted) for a limited category of salmonid products. It confirms, more particularly, the decision taken by the Chief Quarantine Officers (Animals) Conference, referred to in paragraph 8.15, that "all fresh or frozen salmonid flesh is prohibited".

8.37 On these grounds, we find that, even though both definitions of a "sanitary measure" invoked by Australia might be applicable to the measure in dispute, in the specific circumstances of this case we need to examine this measure as a measure applied "to protect animal ... life or health within [Australia] from risks arising from the entry, establishment or spread of pests, diseases ... or disease-causing organisms" in the sense of paragraph 1(a) of Annex A to the SPS Agreement. Given our earlier considerations in paragraph 8.30, we thus find that the SPS Agreement applies to the measure in dispute.

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\*English only

The following correction should be made to footnote 284:

Wooldridge answers, p.6, ~~quoted in para. 8.~~ and Rodgers answers, p.1 ("As such, the 1995 report is a more useful document, in the sense of an internal risk assessment exercise, since it 'evaluates' the data to conclude that a negligible risk exists, while at the same time recognising that the overall risk of disease introduction cannot be quantified. The final report seems to lend more weight to the unknown elements of the assessment and as such is more cautious, which results in an outcome closer to the 'unacceptable' rather than the 'negligible but acceptable' end of the scale").

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