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EUROPEAN COMMUNITIES – MEASURES CONCERNING MEAT AND MEAT PRODUCTS (HORMONES)

Status Report by the European Communities

The following communication, dated 14 January 1999, from the permanent Delegation of the European Commission to the Chairman of the Dispute Settlement Body, is circulated pursuant to Article 21.6 of the DSU.

Status report on the Implementation of the Recommendations and Rulings in the dispute Regarding European Communities – Measures concerning Meat and Meat Products (Hormones)

Pursuant to Article 21.6 of the DSU, the European Community wishes to inform the DSB of the progress made towards implementing its rulings and recommendations concerning the Community's prohibition on imports of bovine meat and meat products of animals treated with six growth hormones.

In August 1997 the WTO Panel presented its ruling on this issue. That ruling was appealed by the Community, and on 16 January 1997, the Appellate Body presented its report. The report significantly amended the Panel's findings. However, it upheld the finding that the Community's import prohibition was not based on a risk assessment within the meaning of Article 5.1 of the SPS Agreement. While recognising that the scientific evidence presented by the Community for five of the six hormones was relevant, and showed indeed the existence of a general risk of cancer, the Appellate Body found that the data presented was not sufficiently specific to the case at hand, because they did "not focus on and did not address the particular kind of risk at stake here. The carcinogenic or genotoxic potential of the residues of those hormones found in meat derived from cattle to which the hormones had been administered for growth promotion purposes". As regards the sixth hormone – MGA – the Appellate Body simply found that the EU had not carried out a risk assessment. On 13 February 1998 the DSB adopted the Panel and Appellate Body reports.

In March 1998 the Community informed the DSB that it intended to fulfil its obligations under the WTO in respect of this matter, and that it would need a reasonable period of time to bring its regime into compliance. A period of 15 months was subsequently awarded by arbitration. That period expires on 13 May next.

In light of the ruling of the Appellate Body, the Community initiated its reflections on how to implement the DSU rulings and recommendations. As a first step, the Community decided to launch without delay a complementary risk assessment, with a view to assessing the implications thereof for

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the Community's import prohibition. For this purpose a number of scientific studies are now underway.

Furthermore, in April 1998 the Commission formally requested the risk assessment data upon which the US, Canada, New Zealand and Australia based their decision to authorise hormones for growth promotion purposes. At the present time, the US and the Canadian authorities have declined to provide data, which they indicate was submitted to them in confidence and no reply has been received from the other authorities. We have urged them to reply in time.

Further details on the risk assessment exercise underway are on public record.

On this basis the European Community expects to be in a position to draw conclusions with respect to relevant Community legislation in order to fully implement the DSB recommendations and rulings in this case. In the meantime the inter-institutional consultations continue.