WORLD TRADE ORGANIZATION

G/SPS/GEN/135
23 July 1999

(99-3101)

Committee on Sanitary and Phytosanitary Measures

Original: Spanish

REPLY BY THE ARGENTINE REPUBLIC TO DOCUMENT G/SPS/GEN/114 SUBMITTED BY THE EUROPEAN UNION

Submission by Argentina at the Meeting of 7-8 July 1999

The Argentine Republic has not banned the import of bovine semen, but has established specific risk assessment conditions, in accordance with the sanitary status of the exporting countries, within the framework of the provisions of Article 5 of the SPS Agreement. On that basis, bovine semen has been imported in recent years from various member States of the EU in which no cases of Bovine Spongiform Encephalopathy (BSE) has been recorded, as in the case of Spain, Sweden and the Netherlands (until the report of its first case of BSE in March 1997). It is worth pointing out by way of illustration that during the first three months of 1999 imports of bovine semen from Spain increased by 27 per cent.

As part of the process of harmonization to bring national standards into line with international norms, the Argentine Republic, by means of document G/SPS/N/ARG/37 of 29 January 1999, gave notification of the draft regulation for the monitoring of imported reproductive material so as to ensure traceability from the progeny, with the aim of taking the necessary measures to preserve the Argentine Republic's sanitary situation with regard to transmissible spongiform encephalopathy.

With regard to the Argentinian notification contained in document G/SPS/N/ARG/38 relating to the reclassification of bovine semen as a low-risk product on the basis of the IOE recommendations (Article 3.2.13.3 of the International Animal Health Code), the Argentine Republic had not received prior to 5 March 1999 any request from the European Union to be informed of the complete text of the draft regulation notified. However, following the 14th meeting of the SPS Committee (8-11 March, in Geneva) the Argentinian representative personally handed over a copy of the draft regulation notified to the representative of the European Union and a further copy was sent by e-mail on 15 March this year. Consequently, contrary to what is stated in document G/SPS/GEN/114 of 19 March 1999, and in accordance with our own records, it is incorrect that the Argentine Republic has not replied to the European Union on this subject.

Furthermore, on 30 March 1999 a seminar was held under the auspices of the National Agriculture and Food Quality and Health Service (SENASA) at which all the agricultural and/or economic advisors of the member countries of the European Union were informed of the system for monitoring imported reproductive material, the methods of analysis and the harmonization of the sanitary requirements for the import of such products. SENASA is ready to repeat this exercise with other Members of the WTO that may be interested.

At the end of last year, with a view to allowing the import of reproductive material, questionnaires were sent out so as to learn the sanitary situation regarding BSE in the countries concerned. The replies began to be received between December 1998 and March 1999, but as these were in English steps then had to be taken to translate and analyse them.

The Argentine Republic wishes it to be understood that, aware of the difficulty of establishing the risk of transmission of BSE through semen, it has carefully followed the relevant scientific recommendations and with the objective of minimizing negative trade effects, takes the view that such transmission is improbable. It is for that reason that the Argentine Republic has reclassified semen as a low-risk product. In addition, however, the Argentine Republic requires a country risk analysis, as a technical requirement prior to a definitive authorization to import and thus the information received from Germany and other countries has been examined within the framework of the new national regulation. The Argentine Republic has been processing the information received as rapidly as the resources available to SENASA allow.

With a view to hamonizing the health requirements and thereby avoiding arbitrary distinctions, the Argentine Republic has started to address itself to the task of drawing up general requirements for the import of bovine semen, on the basis of the International Animal Health Code.

The preparation of these requirements has involved a process of consultation within all the technical, scientific or agricultural areas concerned, with the consequent delay that such a process involves and requires. It has also required the amendment, alteration and updating of domestic legislation, as well as notification and regional agreement within the framework of MERCOSUR, all of which has probably taken longer than was consonant with either the wishes of the Argentine Republic or the needs of the European Union.

The outcome of this process has been the General Requirements for the Importation of Bovine Semen into the Argentine Republic, which must be observed by all countries wishing to export semen to the Argentine Republic, and consequently the Argentine Republic considers that no discrimination exists. In accordance with the principle of transparency in the Agreement, these requirements are available to the States concerned and were sent to the WTO Secretariat on 5 May 1999 for publication.

CONCLUSION

The Argentine Republic considers that at no time has it acted in a way contrary to the spirit and principles of the Agreement on the Application of Sanitary and Phytosanitary Measures of the World Trade Organization. On the contrary, in its concern to fully observe the provisions of this Agreement it has been obliged to devote more time to this process than other Members would have wished, but it has all been done with a view to establishing a satisfactory level of sanitary protection, avoiding the creation of arbitrary and unjustifiable distinctions and taking account of the fact that no cases of transmittable spongiform encephalopathy have ever been recorded on the territory of the Argentine Republic.

In conclusion, the Argentine Republic considers that it has answered all the specific questions raised by the European Union in document G/SPS/GEN/114, but would like to make clear that it will be presenting a summary of the evaluations of the country risk analysis, but that at the moment it has only reached provisional conclusions and has requested various countries for additional information.

BOVINE SEMEN

Replies to the Consultation by the European Union

Summary of the evaluations of the country risk analysis on Bovine Spongiform Encephalopathy (BSE), carried out by this service on the basis of the questionnaires returned by the countries of the European Union:

1. List of countries to which the questionnaires were sent:

Belgium
Denmark
Finland
France
Germany
Greece
Hungary
Ireland
Italy
Luxembourg
Netherlands
Spain
Sweden
United Kingdom of Great Britain and Northern Ireland

In addition the questionnaires concerned were sent to the following countries that are not Members of the EU:

South Africa
Switzerland

2. Replies received from:

Belgium
Denmark
France
Germany
Hungary
Italy
Luxembourg
Netherlands
Spain
Sweden
United Kingdom of Great Britain and Northern Ireland
South Africa
Switzerland

2.1 Particular situation as revealed in the individual replies from the countries of the EU and evaluated by the Department of Animal Quarantine (DCA):

2.1.1 Germany: The reply has been analysed, and the conclusions reached and the proposals for supplementary questions to be sent are now being considered by other sections of the department.

The assessment of risk in the country, as revealed in the document, arises from:

(a) The import of live animals from countries affected by this disease. This excludes the import of cattle from Switzerland and the United Kingdom, which have been monitored and/or destroyed;

(b) the feeding of ruminants with animal protein during the period prior to 1994, the date when the ban on this practice came into force.

2.1.2 Spain*:* the risk analysis has been evaluated by this department and the supplementary questions to which it has given rise have been prepared.

The following factors are regarded as involving country risk:

(a) Lack of specific regulations in the country prohibiting the consumption of animal protein by ruminants;

(b) number of brains tested as a proportion of the ruminant population, so that it remains unclear how many animals have been subjected to histopathological or immunochemical and histochemical analysis. As the data is now being reorganized by the Spanish Health Authority, the information available is incomplete;

(c) importing of flours, meals and pellets of meat, until their prohibition in 1996.

2.1.3 Netherlands: In addition to the questionnaire, the replies from the Netherlands to the various supplementary questions submitted have been evaluated and show that the Netherlands has carried out the risk analysis on BSE requested by SENASA and that the results are satisfactory.

However, cases of BSE have appeared in native animals born after the introduction of the ban on the consumption by ruminants of meat and bone meal originating from ruminants (1989). The detection of the disease in question (6 cases as at March 1999) indicates that a monitoring system is in use in the country.

For the above reasons the Argentine Republic considers it to be of vital importance to continue the epidemiological monitoring of the disease in that country.

2.1.4 France*:* On two occasions (January and March 1999) an official translation of the annexes was requested, so as to be able to evaluate the imports that have taken place. Such information has not so far been provided.

However, the report produced by this department identifies as risk factors the fact that the live animals imported from countries such as Ireland and Portugal into France were not subjected to post-mortem tests. An additional risk factor is that the carcasses and sequestra (removed for health reasons) were only banned in the manufacture of feed as recently as 1996.

2.2 The questionnaires from the following countries are now being evaluated:

Belgium
Denmark
Finland
Hungary
Italy
Luxembourg
Sweden
Switzerland
United Kingdom of Great Britain and Northern Ireland